

By: Allen of Dallas

H.B. No. 867

A BILL TO BE ENTITLED

AN ACT

relating to the registration and supervision of sex offenders;
providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE I. SEX OFFENDER REGISTRATION REQUIREMENTS

SECTION 1.01. Chapter 62, Code of Criminal Procedure, is
reenacted and amended to read as follows:

CHAPTER 62. SEX OFFENDER REGISTRATION PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Art. 62.001 [~~62.01~~]. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public
Safety.

(2) "Local law enforcement authority" means the chief
of police of a municipality or the sheriff of a county in this
state.

(3) "Penal institution" means a confinement facility
operated by or under a contract with any division of the Texas
Department of Criminal Justice, a confinement facility operated by
or under contract with the Texas Youth Commission, or a juvenile
secure pre-adjudication or post-adjudication facility operated by
or under a local juvenile probation department, or a county jail.

(4) "Released" means discharged, paroled, placed in a
nonsecure community program for juvenile offenders, or placed on
juvenile probation, community supervision, or mandatory

1 supervision.

2 (5) "Reportable conviction or adjudication" means a
3 conviction or adjudication, including an adjudication of
4 delinquent conduct or a deferred adjudication, [~~regardless of the~~
5 ~~pendency of an appeal,~~] that, regardless of the pendency of an
6 appeal, is a conviction for or an adjudication for or based on:

7 (A) [~~a conviction for~~] a violation of Section
8 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021
9 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),
10 Penal Code;

11 (B) [~~a conviction for~~] a violation of Section
12 43.05 (Compelling prostitution), 43.25 (Sexual performance by a
13 child), or 43.26 (Possession or promotion of child pornography),
14 Penal Code;

15 (C) [~~a conviction for~~] a violation of Section
16 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor
17 [~~defendant~~] committed the offense or engaged in the conduct with
18 intent to violate or abuse the victim sexually;

19 (D) [~~a conviction for~~] a violation of Section
20 30.02 (Burglary), Penal Code, if the offense or conduct is
21 punishable under Subsection (d) of that section and the actor
22 [~~defendant~~] committed the offense or engaged in the conduct with
23 intent to commit a felony listed in Paragraph (A) or (C);

24 (E) [~~a conviction for~~] a violation of Section
25 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04
26 (Aggravated kidnapping), Penal Code, if, as applicable:

27 (i) the judgment in the case contains an

1 affirmative finding under Article 42.015; or

2 (ii) the order in the hearing or the papers
3 in the case contain an affirmative finding that the victim or
4 intended victim was younger than 17 years of age;

5 (F) a violation of Section 21.12 (Improper
6 relationship between educator and student) or Section 21.15
7 (Improper photography or visual recording), Penal Code;

8 (G) [~~(F)~~] the second [~~conviction for a~~]
9 violation of Section 21.08 (Indecent exposure), Penal Code, but not
10 if the second violation results in a deferred adjudication;

11 (H) [~~(C) a conviction for]~~ an attempt,
12 conspiracy, or solicitation, as defined by Chapter 15, Penal Code,
13 to commit an offense or engage in conduct listed in Paragraph (A),
14 (B), (C), (D), [~~or~~] (E), or (F);

15 (I) [~~(H) an adjudication of delinquent conduct:~~
16 ~~[(i) based on a violation of one of the~~
17 ~~offenses listed in Paragraph (A), (B), (C), (D), or (G) or, if the~~
18 ~~order in the hearing contains an affirmative finding that the~~
19 ~~victim or intended victim was younger than 17 years of age, one of~~
20 ~~the offenses listed in Paragraph (E); or~~

21 ~~[(ii) for which two violations of the~~
22 ~~offense listed in Paragraph (F) are shown;~~

23 ~~[(I) a deferred adjudication for an offense~~
24 ~~listed in:~~

25 ~~[(i) Paragraph (A), (B), (C), (D), or (G);~~

26 ~~or~~

27 ~~[(ii) Paragraph (E) if the papers in the~~

1 ~~case contain an affirmative finding that the victim or intended~~
2 ~~victim was younger than 17 years of age;~~

3 [~~(J)~~] a violation of [~~conviction under~~] the laws
4 of another state, federal law, the laws of a foreign country, or the
5 Uniform Code of Military Justice for or based on the violation of an
6 offense containing elements that are substantially similar to the
7 elements of an offense listed under Paragraph (A), (B), (C), (D),
8 (E), (F), or (H), but not if the violation results in a deferred
9 adjudication [~~(G)~~]; or

10 (J) [~~(K) an adjudication of delinquent conduct~~
11 ~~under the laws of another state, federal law, or the laws of a~~
12 ~~foreign country based on a violation of an offense containing~~
13 ~~elements that are substantially similar to the elements of an~~
14 ~~offense listed under Paragraph (A), (B), (C), (D), (E), or (G);~~

15 [~~(L)~~] the second violation of [~~conviction under~~]
16 the laws of another state, federal law, the laws of a foreign
17 country, or the Uniform Code of Military Justice for or based on the
18 violation of an offense containing elements that are substantially
19 similar to the elements of the offense of indecent exposure, but not
20 if the second violation results in a deferred adjudication [~~, or~~

21 [~~(M) the second adjudication of delinquent~~
22 ~~conduct under the laws of another state, federal law, or the laws of~~
23 ~~a foreign country based on a violation of an offense containing~~
24 ~~elements that are substantially similar to the elements of the~~
25 ~~offense of indecent exposure].~~

26 (6) "Sexually violent offense" means any of the
27 following offenses committed by a person 17 years of age or older:

1 (A) an offense under Section 21.11(a)(1)
2 (Indecency with a child), 22.011 (Sexual assault), or 22.021
3 (Aggravated sexual assault), Penal Code;

4 (B) an offense under Section 43.25 (Sexual
5 performance by a child), Penal Code;

6 (C) an offense under Section 20.04(a)(4)
7 (Aggravated kidnapping), Penal Code, if the defendant committed the
8 offense with intent to violate or abuse the victim sexually;

9 (D) an offense under Section 30.02 (Burglary),
10 Penal Code, if the offense is punishable under Subsection (d) of
11 that section and the defendant committed the offense with intent to
12 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);
13 or

14 (E) an offense under the laws of another state,
15 federal law, the laws of a foreign country, or the Uniform Code of
16 Military Justice if the offense contains elements that are
17 substantially similar to the elements of an offense listed under
18 Paragraph (A), (B), (C), or (D).

19 (7) "Residence" includes a residence established in
20 this state by a person described by Article 62.152(e) [~~62.063(e)~~].

21 (8) "Public or private institution of higher
22 education" includes a college, university, community college, or
23 technical or trade institute.

24 (9) "Authority for campus security" means the
25 authority with primary law enforcement jurisdiction over property
26 under the control of a public or private institution of higher
27 education, other than a local law enforcement authority.

1 (10) "Extrajurisdictional registrant" means a person
2 who:

3 (A) is required to register as a sex offender
4 under:

5 (i) the laws of another state with which the
6 department has entered into a reciprocal registration agreement;

7 (ii) federal law or the Uniform Code of
8 Military Justice; or

9 (iii) the laws of a foreign country; and

10 (B) is not otherwise required to register under
11 this chapter because:

12 (i) the person does not have a reportable
13 conviction for an offense under the laws of the other state, federal
14 law, the laws of the foreign country, or the Uniform Code of
15 Military Justice containing elements that are substantially
16 similar to the elements of an offense requiring registration under
17 this chapter; or

18 (ii) the person does not have a reportable
19 adjudication of delinquent conduct based on a violation of an
20 offense under the laws of the other state, federal law, or the laws
21 of the foreign country containing elements that are substantially
22 similar to the elements of an offense requiring registration under
23 this chapter.

24 Art. 62.002. APPLICABILITY OF CHAPTER. (a) This chapter
25 applies only to a reportable conviction or adjudication occurring
26 on or after September 1, 1970.

27 (b) Except as provided by Subsection (c), the duties imposed

1 on a person required to register under this chapter on the basis of
2 a reportable conviction or adjudication, and the corresponding
3 duties and powers of other entities in relation to the person
4 required to register on the basis of that conviction or
5 adjudication, are not affected by:

6 (1) an appeal of the conviction or adjudication; or

7 (2) a pardon of the conviction or adjudication.

8 (c) If a conviction or adjudication that is the basis of a
9 duty to register under this chapter is set aside on appeal by a
10 court or if the person required to register under this chapter on
11 the basis of a conviction or adjudication receives a pardon on the
12 basis of subsequent proof of innocence, the duties imposed on the
13 person by this chapter and the corresponding duties and powers of
14 other entities in relation to the person are terminated.

15 Art. 62.003 [~~62.0101~~]. DETERMINATION REGARDING
16 SUBSTANTIALLY SIMILAR ELEMENTS OF OFFENSE. (a) For the purposes of
17 this chapter, the [The] department is responsible for determining
18 [for the purposes of this chapter] whether an offense under the laws
19 of another state, federal law, the laws of a foreign country, or the
20 Uniform Code of Military Justice contains elements that are
21 substantially similar to the elements of an offense under the laws
22 of this state.

23 (b) The department annually shall provide or make available
24 to each prosecuting attorney's office in this state:

25 (1) the criteria used in making a determination under
26 Subsection (a); and

27 (2) any existing record or compilation of offenses

1 under the laws of another state, federal law, the laws of a foreign
2 country, and the Uniform Code of Military Justice that the
3 department has already determined to contain elements that are
4 substantially similar to the elements of offenses under the laws of
5 this state.

6 (c) An appeal of a determination made under this article
7 shall be brought in a district court in Travis County.

8 Art. 62.004 [~~62.0102~~]. DETERMINATION REGARDING PRIMARY
9 REGISTRATION AUTHORITY. (a) For each person subject to
10 registration under this chapter, the department shall determine
11 which local law enforcement authority serves as the person's
12 primary registration authority based on the municipality or county
13 in which the person resides or, as provided by Article 62.152
14 [~~62.061, as added by Chapters 1193 and 1415, Acts of the 76th~~
15 ~~Legislature, Regular Session, 1999~~], the municipality or county in
16 which the person works or attends school.

17 (b) The department shall notify each person subject to
18 registration under this chapter of the person's primary
19 registration authority in a timely manner.

20 Art. 62.005. CENTRAL DATABASE; PUBLIC INFORMATION. (a)
21 The department shall maintain a computerized central database
22 containing only the information required for registration under
23 this chapter.

24 (b) The information contained in the database is public
25 information, with the exception of any information:

26 (1) regarding the person's social security number,
27 driver's license number, or telephone number;

1 (2) that is required by the department under Article
2 62.051(c)(7); or

3 (3) that would identify the victim of the offense for
4 which the person is subject to registration.

5 (c) Notwithstanding Chapter 730, Transportation Code, the
6 department shall maintain in the database, and shall post on any
7 department website related to the database, any photograph of the
8 person that is available through the process for obtaining or
9 renewing a personal identification certificate or driver's license
10 under Section 521.103 or 521.272, Transportation Code. The
11 department shall update the photograph in the database and on the
12 website annually or as the photograph otherwise becomes available
13 through the renewal process for the certificate or license.

14 (d) A local law enforcement authority shall release public
15 information described under Subsection (b) to any person who
16 submits to the authority a written request for the information. The
17 authority may charge the person a fee not to exceed the amount
18 reasonably necessary to cover the administrative costs associated
19 with the authority's release of information to the person under
20 this subsection.

21 (e) The department shall provide a licensing authority with
22 notice of any person required to register under this chapter who
23 holds or seeks a license that is issued by the authority. The
24 department shall provide the notice required by this subsection as
25 the applicable licensing information becomes available through the
26 person's registration or verification of registration.

27 (f) On the written request of a licensing authority that

1 identifies an individual and states that the individual is an
2 applicant for or a holder of a license issued by the authority, the
3 department shall release any information described by Subsection
4 (a) to the licensing authority.

5 (g) For the purposes of Subsections (e) and (f):

6 (1) "License" means a license, certificate,
7 registration, permit, or other authorization that:

8 (A) is issued by a licensing authority; and

9 (B) a person must obtain to practice or engage in
10 a particular business, occupation, or profession.

11 (2) "Licensing authority" means a department,
12 commission, board, office, or other agency of the state or a
13 political subdivision of the state that issues a license.

14 (h) Not later than the third day after the date on which the
15 applicable information becomes available through the person's
16 registration or verification of registration or under Article
17 62.057, the department shall send notice of any person required to
18 register under this chapter who is or will be employed, carrying on
19 a vocation, or a student at a public or private institution of
20 higher education in this state to:

21 (1) for an institution in this state:

22 (A) the authority for campus security for that
23 institution; or

24 (B) if an authority for campus security for that
25 institution does not exist, the local law enforcement authority of:

26 (i) the municipality in which the
27 institution is located; or

1 (ii) the county in which the institution is
2 located, if the institution is not located in a municipality; or

3 (2) for an institution in another state, any existing
4 authority for campus security at that institution.

5 (i) On the written request of an institution of higher
6 education described by Subsection (h) that identifies an individual
7 and states that the individual has applied to work or study at the
8 institution, the department shall release any information
9 described by Subsection (a) to the institution.

10 Art. 62.006. INFORMATION PROVIDED TO PEACE OFFICER ON
11 REQUEST. The department shall establish a procedure by which a
12 peace officer or employee of a law enforcement agency who provides
13 the department with a driver's license number, personal
14 identification certificate number, or license plate number is
15 automatically provided information as to whether the person to whom
16 the driver's license or personal identification certificate is
17 issued is required to register under this chapter or whether the
18 license plate number is entered in the computerized central
19 database under Article 62.005 as assigned to a vehicle owned or
20 driven by a person required to register under this chapter.

21 Art. 62.007. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER
22 SCREENING TOOL. (a) The Texas Department of Criminal Justice shall
23 establish a risk assessment review committee composed of at least
24 five members, each of whom is a state employee whose service on the
25 review committee is in addition to the employee's regular duties.
26 The review committee, to the extent feasible, should include at
27 least:

- 1 (1) one member having experience in law enforcement;
2 (2) one member having experience working with juvenile
3 sex offenders;
4 (3) one member having experience as a sex offender
5 treatment provider; and
6 (4) one member having experience working with victims
7 of sex offenses.

8 (b) The risk assessment review committee functions in an
9 oversight capacity. The committee shall:

- 10 (1) develop or select from among existing tools a sex
11 offender screening tool to be used in determining the level of risk
12 of a person subject to registration under this chapter;
13 (2) ensure that staff is trained on the use of the
14 screening tool;
15 (3) monitor the use of the screening tool in the state;
16 and
17 (4) analyze other screening tools as they become
18 available and revise or replace the existing screening tool if
19 warranted.

20 (c) The sex offender screening tool must use an objective
21 point system under which a person is assigned a designated number of
22 points for each of various factors. In developing or selecting the
23 sex offender screening tool, the risk assessment review committee
24 shall use or shall select a screening tool that may be adapted to
25 use the following general guidelines:

- 26 (1) level one (low): a designated range of points on
27 the sex offender screening tool indicating that the person poses a

1 low danger to the community and will not likely engage in criminal
2 sexual conduct;

3 (2) level two (moderate): a designated range of
4 points on the sex offender screening tool indicating that the
5 person poses a moderate danger to the community and might continue
6 to engage in criminal sexual conduct; and

7 (3) level three (high): a designated range of points
8 on the sex offender screening tool indicating that the person poses
9 a serious danger to the community and will continue to engage in
10 criminal sexual conduct.

11 (d) The risk assessment review committee, the Texas
12 Department of Criminal Justice, the Texas Youth Commission, or a
13 court may override a risk level only if the entity:

14 (1) believes that the risk level assessed is not an
15 accurate prediction of the risk the offender poses to the
16 community; and

17 (2) documents the reason for the override in the
18 offender's case file.

19 (e) Notwithstanding Chapter 58, Family Code, records and
20 files, including records that have been sealed under Section 58.003
21 of that code, relating to a person for whom a court, the Texas
22 Department of Criminal Justice, or the Texas Youth Commission is
23 required under this article to determine a level of risk shall be
24 released to the court, department, or commission, as appropriate,
25 for the purpose of determining the person's risk level.

26 (f) Chapter 551, Government Code, does not apply to a
27 meeting of the risk assessment review committee.

1 Art. 62.008. GENERAL IMMUNITY. The following persons are
2 immune from liability for good faith conduct under this chapter:

3 (1) an employee or officer of the Texas Department of
4 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
5 Probation Commission, or the Department of Public Safety;

6 (2) an employee or officer of a community supervision
7 and corrections department or a juvenile probation department; and

8 (3) a member of the judiciary.

9 Art. 62.009. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

10 (a) The department, a penal institution, a local law enforcement
11 authority, or an authority for campus security may release to the
12 public information regarding a person required to register under
13 this chapter only if the information is public information under
14 this chapter.

15 (b) An individual, agency, entity, or authority is not
16 liable under Chapter 101, Civil Practice and Remedies Code, or any
17 other law for damages arising from conduct authorized by Subsection
18 (a).

19 (c) For purposes of determining liability, the release or
20 withholding of information by an appointed or elected officer of an
21 agency, entity, or authority is a discretionary act.

22 (d) A private primary or secondary school, public or private
23 institution of higher education, or administrator of a private
24 primary or secondary school or public or private institution of
25 higher education may release to the public information regarding a
26 person required to register under this chapter only if the
27 information is public information under this chapter and is

1 released to the administrator under Article 62.005, 62.053, 62.054,
2 62.055, or 62.153. A private primary or secondary school, public or
3 private institution of higher education, or administrator of a
4 private primary or secondary school or public or private
5 institution of higher education is not liable under any law for
6 damages arising from conduct authorized by this subsection.

7 Art. 62.010. RULEMAKING AUTHORITY. The Texas Department of
8 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
9 Probation Commission, and the department may adopt any rule
10 necessary to implement this chapter.

11 SUBCHAPTER B. REGISTRATION AND VERIFICATION

12 REQUIREMENTS; RELATED NOTICE

13 ~~[Art. 62.0105. EXEMPTION FROM REGISTRATION FOR CERTAIN SEX~~
14 ~~OFFENDERS. (a) If eligible under Subsection (b) or (c), a person~~
15 ~~required to register under this chapter may petition the court~~
16 ~~having jurisdiction over the case for an order exempting the person~~
17 ~~from registration under this chapter at any time after the person's~~
18 ~~sentencing or after the person is placed on deferred adjudication~~
19 ~~community supervision.~~

20 ~~[(b) A person is eligible to petition the court as described~~
21 ~~by Subsection (a) if:~~

22 ~~[(1) the person is required to register only as a~~
23 ~~result of a single reportable conviction or adjudication, other~~
24 ~~than an adjudication of delinquent conduct; and~~

25 ~~[(2) the court has entered in the appropriate judgment~~
26 ~~or has filed with the appropriate papers a statement of an~~
27 ~~affirmative finding described by Article 42.017 or Section 5(g),~~

1 ~~Article 42.12.~~

2 ~~[(c) A defendant who before September 1, 2001, is convicted~~
3 ~~of or placed on deferred adjudication community supervision for an~~
4 ~~offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,~~
5 ~~is eligible to petition the court as described by Subsection (a).~~
6 ~~The court may consider the petition only if the petition states and~~
7 ~~the court finds that the defendant would have been entitled to the~~
8 ~~entry of an affirmative finding under Article 42.017 or Section~~
9 ~~5(g), Article 42.12, as appropriate, had the conviction or~~
10 ~~placement on deferred adjudication community supervision occurred~~
11 ~~after September 1, 2001.~~

12 ~~[(d) After a hearing on the petition described by Subsection~~
13 ~~(a), the court may issue an order exempting the person from~~
14 ~~registration under this chapter if it appears by a preponderance of~~
15 ~~the evidence.~~

16 ~~[(1) as presented by a registered sex offender~~
17 ~~treatment provider, that the exemption does not threaten public~~
18 ~~safety, and~~

19 ~~[(2) that the person's conduct did not occur without~~
20 ~~the consent of the victim or intended victim as described by Section~~
21 ~~22.011(b), Penal Code.~~

22 ~~[(e) An order exempting the person from registration under~~
23 ~~this chapter does not expire, but the court shall withdraw the order~~
24 ~~if after the order is issued the person receives a reportable~~
25 ~~conviction or adjudication under this chapter.~~

26 ~~[Art. 62.011. WORKERS OR STUDENTS. (a) A person is~~
27 ~~employed or carries on a vocation for purposes of this chapter if~~

1 ~~the person works or volunteers on a full-time or part-time basis for~~
2 ~~a consecutive period exceeding 14 days or for an aggregate period~~
3 ~~exceeding 30 days in a calendar year. A person works for purposes~~
4 ~~of this subsection regardless of whether the person works for~~
5 ~~compensation or for governmental or educational benefit.~~

6 ~~[(b) A person is a student for purposes of this chapter if~~
7 ~~the person enrolls on a full-time or part-time basis in any~~
8 ~~educational facility, including:~~

9 ~~[(1) a public or private primary or secondary school,~~
10 ~~including a high school or alternative learning center; or~~

11 ~~[(2) a public or private institution of higher~~
12 ~~education.]~~

13 Art. 62.051 [~~62.02~~]. REGISTRATION: GENERAL. (a) A person
14 who has a reportable conviction or adjudication or who is required
15 to register as a condition of parole, release to mandatory
16 supervision, or community supervision shall register or, if the
17 person is a person for whom registration is completed under this
18 chapter, verify registration as provided by Subsection (f) [~~(d)~~],
19 with the local law enforcement authority in any municipality where
20 the person resides or intends to reside for more than seven days.
21 If the person does not reside or intend to reside in a municipality,
22 the person shall register or verify registration in any county
23 where the person resides or intends to reside for more than seven
24 days. The person shall satisfy the requirements of this subsection
25 not later than the seventh day after the person's arrival in the
26 municipality or county.

27 (b) The department shall provide the Texas Department of

1 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
2 Probation Commission, and each local law enforcement authority,
3 authority for campus security, county jail, and court with a form
4 for registering persons required by this chapter to register.

5 (c) The registration form shall require:

6 (1) the person's full name, each alias, date of birth,
7 sex, race, height, weight, eye color, hair color, social security
8 number, driver's license number, shoe size, and home address;

9 (2) a recent color photograph or, if possible, an
10 electronic digital image of the person and a complete set of the
11 person's fingerprints;

12 (3) the type of offense the person was convicted of,
13 the age of the victim, the date of conviction, and the punishment
14 received;

15 (4) an indication as to whether the person is
16 discharged, paroled, or released on juvenile probation, community
17 supervision, or mandatory supervision;

18 (5) an indication of each license, as defined by
19 Article 62.005(g) [~~62.08(g)~~], that is held or sought by the person;

20 (6) an indication as to whether the person is or will
21 be employed, carrying on a vocation, or a student at a particular
22 public or private institution of higher education in this state or
23 another state, and the name and address of that institution; and

24 (7) any other information required by the department.

25 (d) The registration form must contain a statement and
26 description of any duties the person has or may have under this
27 chapter.

1 (e) [~~(c)~~] Not later than the third day after a person's
2 registering, the local law enforcement authority with whom the
3 person registered shall send a copy of the registration form to the
4 department and, if the person resides on the campus of a public or
5 private institution of higher education, to any authority for
6 campus security for that institution.

7 (f) [~~(d)~~] A person for whom registration is completed under
8 this chapter shall report to the applicable local law enforcement
9 authority to verify the information in the registration form
10 received by the authority under this chapter. The authority shall
11 require the person to produce proof of the person's identity and
12 residence before the authority gives the registration form to the
13 person for verification. If the information in the registration
14 form is complete and accurate, the person shall verify registration
15 by signing the form. If the information is not complete or not
16 accurate, the person shall make any necessary additions or
17 corrections before signing the form.

18 (g) [~~(e)~~] A person who is required to register or verify
19 registration under this chapter shall ensure that the person's
20 registration form is complete and accurate with respect to each
21 item of information required by the form in accordance with
22 Subsection (b).

23 (h) [~~(f)~~] If a person subject to registration under this
24 chapter does not move to an intended residence by the end of the
25 seventh day after the date on which the person is released or the
26 date on which the person leaves a previous residence, the person
27 shall:

1 (1) report to the juvenile probation officer,
2 community supervision and corrections department officer, or
3 parole officer supervising the person by not later than the seventh
4 day after the date on which the person is released or the date on
5 which the person leaves a previous residence, as applicable, and
6 provide the officer with the address of the person's temporary
7 residence; and

8 (2) continue to report to the person's supervising
9 officer not less than weekly during any period of time in which the
10 person has not moved to an intended residence and provide the
11 officer with the address of the person's temporary residence.

12 (i) [~~(g)~~] If the other state has a registration requirement
13 for sex offenders, a person who has a reportable conviction or
14 adjudication, who resides in this state, and who is employed,
15 carries on a vocation, or is a student in another state shall, not
16 later than the 10th day after the date on which the person begins to
17 work or attend school in the other state, register with the law
18 enforcement authority that is identified by the department as the
19 authority designated by that state to receive registration
20 information. If the person is employed, carries on a vocation, or
21 is a student at a public or private institution of higher education
22 in the other state and if an authority for campus security exists at
23 the institution, the person shall also register with that authority
24 not later than the 10th day after the date on which the person
25 begins to work or attend school.

26 Art. 62.052 [~~62.021~~]. REGISTRATION: EXTRAJURISDICTIONAL
27 [~~OUT-OF-STATE~~] REGISTRANTS. (a) An extrajurisdictional

1 registrant [~~This article applies to a person who:~~

2 ~~[(1) is required to register as a sex offender under:~~

3 ~~[(A) the laws of another state with which the~~
4 ~~department has entered into a reciprocal registration agreement,~~

5 ~~[(B) federal law or the Uniform Code of Military~~
6 ~~Justice; or~~

7 ~~[(C) the laws of a foreign country; and~~

8 ~~[(2) is not otherwise required to register under this~~
9 ~~chapter because:~~

10 ~~[(A) the person does not have a reportable~~
11 ~~conviction for an offense under the laws of the other state, federal~~
12 ~~law, the laws of the foreign country, or the Uniform Code of~~
13 ~~Military Justice containing elements that are substantially~~
14 ~~similar to an offense requiring registration under this chapter; or~~

15 ~~[(B) the person does not have a reportable~~
16 ~~adjudication of delinquent conduct based on a violation of an~~
17 ~~offense under the laws of the other state, federal law, or the laws~~
18 ~~of the foreign country containing elements that are substantially~~
19 ~~similar to an offense requiring registration under this chapter.~~

20 ~~[(b) A person described by Subsection (a)]~~ is required to
21 comply with the annual verification requirements of Article 62.058
22 [~~62.06~~] in the same manner as a person who is required to verify
23 registration on the basis of a reportable conviction or
24 adjudication.

25 (b) [~~(c)~~] The duty to register for an extrajurisdictional
26 registrant [~~a person described by Subsection (a)~~] expires on the
27 date the person's duty to register would expire under the laws of

1 the other state or foreign country had the person remained in that
2 state or foreign country, under federal law, or under the Uniform
3 Code of Military Justice, as applicable.

4 (c) [~~(d)~~] The department may negotiate and enter into a
5 reciprocal registration agreement with any other state to prevent
6 residents of this state and residents of the other state from
7 frustrating the public purpose of the registration of sex offenders
8 by moving from one state to the other.

9 Art. 62.053 [~~62.03~~]. PRERELEASE NOTIFICATION. (a) Before
10 a person who will be subject to registration under this chapter is
11 due to be released from a penal institution, the Texas Department of
12 Criminal Justice or the Texas Youth Commission shall determine the
13 person's level of risk to the community using the sex offender
14 screening tool developed or selected under Article 62.007 [~~62.035~~]
15 and assign to the person a numeric risk level of one, two, or three.
16 Before releasing the person, an official of the penal institution
17 shall:

18 (1) inform the person that:

19 (A) not later than the seventh day after the date
20 on which the person is released or the date on which the person
21 moves from a previous residence to a new residence in this state,
22 the person must:

23 (i) register or verify registration with
24 the local law enforcement authority in the municipality or county
25 in which the person intends to reside; or

26 (ii) if the person has not moved to an
27 intended residence, report to the juvenile probation officer,

1 community supervision and corrections department officer, or
2 parole officer supervising the person;

3 (B) not later than the seventh day before the
4 date on which the person moves to a new residence in this state or
5 another state, the person must report in person to the local law
6 enforcement authority designated as the person's primary
7 registration authority by the department and to the juvenile
8 probation officer, community supervision and corrections
9 department officer, or parole officer supervising the person;

10 (C) not later than the 10th day after the date on
11 which the person arrives in another state in which the person
12 intends to reside, the person must register with the law
13 enforcement agency that is identified by the department as the
14 agency designated by that state to receive registration
15 information, if the other state has a registration requirement for
16 sex offenders;

17 (D) not later than the 30th day after the date on
18 which the person is released, the person must apply to the
19 department in person for the issuance of an original or renewal
20 driver's license or personal identification certificate and a
21 failure to apply to the department as required by this paragraph
22 results in the automatic revocation of any driver's license or
23 personal identification certificate issued by the department to the
24 person; ~~and~~

25 (E) the person must notify appropriate entities
26 of any change in status as described by Article 62.057 [~~62.05~~]; and

27 (F) the person must comply with Article 62.061,

1 if applicable;

2 (2) require the person to sign a written statement
3 that the person was informed of the person's duties as described by
4 Subdivision (1) or Subsection (g) [~~(h)~~] or, if the person refuses to
5 sign the statement, certify that the person was so informed;

6 (3) obtain the address where the person expects to
7 reside on the person's release and other registration information,
8 including a photograph and complete set of fingerprints; and

9 (4) complete the registration form for the person.

10 (b) On the seventh day before the date on which a person who
11 will be subject to registration under this chapter is due to be
12 released from a penal institution, or on receipt of notice by a
13 penal institution that a person who will be subject to registration
14 under this chapter is due to be released in less than seven days, an
15 official of the penal institution shall send the person's completed
16 registration form and numeric risk level to the department and to:

17 (1) the applicable local law enforcement authority in
18 the municipality or county in which the person expects to reside, if
19 the person expects to reside in this state; or

20 (2) the law enforcement agency that is identified by
21 the department as the agency designated by another state to receive
22 registration information, if the person expects to reside in that
23 other state and that other state has a registration requirement for
24 sex offenders.

25 (c) If a person who is subject to registration under this
26 chapter receives an order deferring adjudication, placing the
27 person on community supervision or juvenile probation [~~or community~~

1 ~~supervision~~], or imposing only a fine, the court pronouncing the
2 order or sentence shall make a determination of the person's
3 numeric risk level using the sex offender screening tool developed
4 or selected under Article 62.007 [~~62.035~~], assign to the person a
5 numeric risk level of one, two, or three, and ensure that the
6 prerelease notification and registration requirements specified in
7 this article are conducted on the day of entering the order or
8 sentencing. If a community supervision and corrections department
9 representative is available in court at the time a court pronounces
10 a sentence of deferred adjudication or community supervision, the
11 representative shall immediately obtain the person's numeric risk
12 level from the court and conduct the prerelease notification and
13 registration requirements specified in this article. In any other
14 case in which the court pronounces a sentence under this
15 subsection, the court shall designate another appropriate
16 individual to obtain the person's numeric risk level from the court
17 and conduct the prerelease notification and registration
18 requirements specified in this article.

19 (d) If a person who has a reportable conviction described by
20 Article 62.001(5)(I) [~~62.01(5)(J)~~] or (J) [~~(L)~~] is placed under the
21 supervision of the pardons and paroles division of the Texas
22 Department of Criminal Justice or a community supervision and
23 corrections department under Article 42.11, the division or
24 community supervision and corrections department shall conduct the
25 prerelease notification and registration requirements specified in
26 this article on the date the person is placed under the supervision
27 of the division or community supervision and corrections

1 department. If a person who has a reportable adjudication of
2 delinquent conduct described by Article 62.001(5)(I) [~~62.01(5)(K)~~]
3 or (J) [~~(M)~~] is, as permitted by Section 60.002, Family Code, placed
4 under the supervision of the Texas Youth Commission, a public or
5 private vendor operating under contract with the Texas Youth
6 Commission, a local juvenile probation department, or a juvenile
7 secure pre-adjudication or post-adjudication facility, the
8 commission, vendor, probation department, or facility shall
9 conduct the prerelease notification and registration requirements
10 specified in this article on the date the person is placed under the
11 supervision of the commission, vendor, probation department, or
12 facility.

13 (e) Not later than the eighth day after receiving a
14 registration form under Subsection (b), (c), or (d), the local law
15 enforcement authority shall verify the age of the victim, the basis
16 on which the person is subject to registration under this chapter,
17 and the person's numeric risk level. [~~The authority shall~~
18 ~~immediately publish notice in English and Spanish in the newspaper~~
19 ~~of greatest paid circulation in the county in which the person~~
20 ~~subject to registration intends to reside or, if there is no~~
21 ~~newspaper of paid circulation in that county, in the newspaper of~~
22 ~~greatest general circulation in the county, except as provided by~~
23 ~~Article 62.031. If the authority publishes notice under this~~
24 ~~subsection, the authority shall publish a duplicate notice in the~~
25 ~~newspaper, with any necessary corrections, during the week~~
26 ~~immediately following the week of initial publication.] The local
27 law enforcement authority shall [~~also~~] immediately provide notice~~

1 to the superintendent of the public school district and to the
2 administrator of any private primary or secondary school located in
3 the public school district in which the person subject to
4 registration intends to reside by mail to the office of the
5 superintendent or administrator, as appropriate, in accordance
6 with Article 62.054 [~~62.032~~]. On receipt of a notice under this
7 subsection, the superintendent shall release the information
8 contained in the notice to appropriate school district personnel,
9 including peace officers and security personnel, principals,
10 nurses, and counselors.

11 (f) [~~The local law enforcement authority shall include in~~
12 ~~the notice by publication in a newspaper the following information~~
13 ~~only:~~

14 [~~(1) the person's full name, age, and gender;~~

15 [~~(2) a brief description of the offense for which the~~
16 ~~person is subject to registration;~~

17 [~~(3) the municipality, numeric street address or~~
18 ~~physical address, if a numeric street address is not available, and~~
19 ~~zip code number where the person intends to reside;~~

20 [~~(4) either a recent photograph of the person or the~~
21 ~~Internet address of a website on which the person's photograph is~~
22 ~~accessible free of charge; and~~

23 [~~(5) the person's numeric risk level assigned under~~
24 ~~this chapter and the guidelines used to determine a person's risk~~
25 ~~level generally.~~

26 [(g)] The local law enforcement authority shall include in
27 the notice to the superintendent of the public school district and

1 to the administrator of any private primary or secondary school
2 located in the public school district any information the authority
3 determines is necessary to protect the public, except:

4 (1) the person's social security number, driver's
5 license number, or telephone number; and

6 (2) any information that would identify the victim of
7 the offense for which the person is subject to registration.

8 (g) [~~(h)~~] Before a person who will be subject to
9 registration under this chapter is due to be released from a penal
10 institution in this state, an official of the penal institution
11 shall inform the person that:

12 (1) if the person intends to reside in another state
13 and to work or attend school in this state, the person must, not
14 later than the seventh day after the date on which the person begins
15 to work or attend school, register or verify registration with the
16 local law enforcement authority in the municipality or county in
17 which the person intends to work or attend school;

18 (2) if the person intends to reside in this state and
19 to work or attend school in another state and if the other state has
20 a registration requirement for sex offenders, the person must:

21 (A) not later than the 10th day after the date on
22 which the person begins to work or attend school in the other state,
23 register with the law enforcement authority that is identified by
24 the department as the authority designated by that state to receive
25 registration information; and

26 (B) if the person intends to be employed, carry
27 on a vocation, or be a student at a public or private institution of

1 higher education in the other state and if an authority for campus
2 security exists at the institution, register with that authority
3 not later than the 10th day after the date on which the person
4 begins to work or attend school; and

5 (3) regardless of the state in which the person
6 intends to reside, if the person intends to be employed, carry on a
7 vocation, or be a student at a public or private institution of
8 higher education in this state, the person must:

9 (A) not later than the seventh day after the date
10 on which the person begins to work or attend school, register with:

11 (i) the authority for campus security for
12 that institution; or

13 (ii) except as provided by Article
14 62.153(e) [~~62.064(e)~~], if an authority for campus security for that
15 institution does not exist, the local law enforcement authority of:

16 (a) the municipality in which the
17 institution is located; or

18 (b) the county in which the
19 institution is located, if the institution is not located in a
20 municipality; and

21 (B) not later than the seventh day after the date
22 the person stops working or attending school, notify the
23 appropriate authority for campus security or local law enforcement
24 authority of the termination of the person's status as a worker or
25 student.

26 [~~(i) If a person who is subject to the newspaper publication~~
27 ~~requirements of Subsection (e) is not under community supervision,~~

1 ~~parole, or mandatory supervision, the local law enforcement~~
2 ~~authority obtaining publication of notice regarding the person as~~
3 ~~required by that subsection shall collect from the person an amount~~
4 ~~equal to the cost incurred by the authority in obtaining the~~
5 ~~publication. The cost of the publication of notice must be~~
6 ~~established by written receipt.~~

7 ~~[Art. 62.031. LIMITATIONS ON NEWSPAPER PUBLICATION. (a) A~~
8 ~~local law enforcement authority may not publish notice in a~~
9 ~~newspaper under Article 62.03(e) or 62.04(f) if the basis on which~~
10 ~~the person is subject to registration is:~~

11 ~~[(1) an adjudication of delinquent conduct; or~~

12 ~~[(2) a conviction or a deferred adjudication for an~~
13 ~~offense under Section 25.02, Penal Code, or an offense under the~~
14 ~~laws of another state, federal law, or the Uniform Code of Military~~
15 ~~Justice that contains elements substantially similar to the~~
16 ~~elements of an offense under Section 25.02, Penal Code, if the~~
17 ~~victim was at the time of the offense a child younger than 17 years~~
18 ~~of age.~~

19 ~~[(b) In addition to the prohibition on publication~~
20 ~~established under Subsection (a), a local law enforcement~~
21 ~~authority may not publish notice in a newspaper under Article~~
22 ~~62.04(f) if the person subject to registration is assigned a~~
23 ~~numeric risk level of one.]~~

24 Art. 62.054 [~~62.032~~]. CIRCUMSTANCES REQUIRING NOTICE TO
25 SUPERINTENDENT OR SCHOOL ADMINISTRATOR. (a) A local law
26 enforcement authority shall provide notice to the superintendent
27 and each administrator under Article 62.053(e) [~~62.03(e)~~] or

1 62.055(f) [~~62.04(f)~~] only if:

2 (1) the victim was at the time of the offense a child
3 younger than 17 years of age or a student enrolled in a public or
4 private secondary school;

5 (2) the person subject to registration is a student
6 enrolled in a public or private secondary school; or

7 (3) the basis on which the person is subject to
8 registration is a conviction, a deferred adjudication, or an
9 adjudication of delinquent conduct for an offense under Section
10 43.25 or 43.26, Penal Code, or an offense under the laws of another
11 state, federal law, or the Uniform Code of Military Justice that
12 contains elements substantially similar to the elements of an
13 offense under either of those sections.

14 (b) A local law enforcement authority may not provide notice
15 to the superintendent or any administrator under Article 62.053(e)
16 [~~62.03(e)~~] or 62.055(f) [~~62.04(f)~~] if the basis on which the person
17 is subject to registration is a conviction, a deferred
18 adjudication, or an adjudication of delinquent conduct for an
19 offense under Section 25.02, Penal Code, or an offense under the
20 laws of another state, federal law, or the Uniform Code of Military
21 Justice that contains elements substantially similar to the
22 elements of an offense under that section.

23 [~~Art. 62.035. RISK ASSESSMENT REVIEW COMMITTEE, SEX~~
24 ~~OFFENDER SCREENING TOOL. (a) The Texas Department of Criminal~~
25 ~~Justice shall establish a risk assessment review committee composed~~
26 ~~of at least five members, each of whom is a state employee whose~~
27 ~~service on the review committee is in addition to the employee's~~

1 ~~regular duties. The review committee, to the extent feasible,~~
2 ~~should include at least:~~

- 3 ~~[(1) one member having experience in law enforcement,~~
- 4 ~~[(2) one member having experience working with~~
5 ~~juvenile sex offenders,~~
- 6 ~~[(3) one member having experience as a sex offender~~
7 ~~treatment provider, and~~
- 8 ~~[(4) one member having experience working with victims~~
9 ~~of sex offenses.~~

10 ~~[(b) The risk assessment review committee functions in an~~
11 ~~oversight capacity. The committee shall:~~

- 12 ~~[(1) develop or select from among existing tools a sex~~
13 ~~offender screening tool to be used in determining the level of risk~~
14 ~~of a person subject to registration under this chapter,~~
- 15 ~~[(2) ensure that staff are trained on the use of the~~
16 ~~screening tool,~~
- 17 ~~[(3) monitor the use of the screening tool in the~~
18 ~~state, and~~
- 19 ~~[(4) analyze other screening tools as they become~~
20 ~~available and revise or replace the existing screening tool if~~
21 ~~warranted.~~

22 ~~[(c) The sex offender screening tool must use an objective~~
23 ~~point system under which a person is assigned a designated number of~~
24 ~~points for each of various factors. In developing or selecting the~~
25 ~~sex offender screening tool, the risk assessment review committee~~
26 ~~shall use or shall select a screening tool that may be adapted to~~
27 ~~use the following general guidelines:~~

1 ~~[(1) level one (low): a designated range of points on~~
2 ~~the sex offender screening tool indicating that the person poses a~~
3 ~~low danger to the community and will not likely engage in criminal~~
4 ~~sexual conduct;~~

5 ~~[(2) level two (moderate): a designated range of~~
6 ~~points on the sex offender screening tool indicating that the~~
7 ~~person poses a moderate danger to the community and may continue to~~
8 ~~engage in criminal sexual conduct; and~~

9 ~~[(3) level three (high): a designated range of points~~
10 ~~on the sex offender screening tool indicating that the person poses~~
11 ~~a serious danger to the community and will continue to engage in~~
12 ~~criminal sexual conduct.~~

13 ~~[(d) The risk assessment review committee, the Texas~~
14 ~~Department of Criminal Justice, the Texas Youth Commission, or a~~
15 ~~court may override a risk level only if the entity:~~

16 ~~[(1) believes that the risk level assessed is not an~~
17 ~~accurate prediction of the risk the offender poses to the~~
18 ~~community; and~~

19 ~~[(2) documents the reason for the override in the~~
20 ~~offender's case file.~~

21 ~~[(e) Notwithstanding Chapter 58, Family Code, records and~~
22 ~~files, including records that have been sealed under Section 58.003~~
23 ~~of that code, relating to a person for whom a court, the Texas~~
24 ~~Department of Criminal Justice, or the Texas Youth Commission is~~
25 ~~required under this article to determine a level of risk shall be~~
26 ~~released to the court, department, or commission, as appropriate,~~
27 ~~for the purpose of determining the person's risk level.~~

1 ~~[(f) Chapter 551, Government Code, does not apply to a~~
2 ~~meeting of the risk assessment review committee.]~~

3 Art. 62.055 [~~62.04~~]. CHANGE OF ADDRESS. (a) If a person
4 required to register under this chapter intends to change address,
5 regardless of whether the person intends to move to another state,
6 the person shall, not later than the seventh day before the intended
7 change, report in person to the local law enforcement authority
8 designated as the person's primary registration authority by the
9 department and to the juvenile probation officer, community
10 supervision and corrections department officer, or parole officer
11 supervising the person and provide the authority and the officer
12 with the person's anticipated move date and new address. If a
13 person required to register changes address, the person shall, not
14 later than the seventh day after changing the address, report in
15 person to the local law enforcement authority in the municipality
16 or county in which the person's new residence is located and provide
17 the authority with proof of identity and proof of residence.

18 (b) Not later than the third day after receipt of notice
19 under Subsection (a), the person's juvenile probation officer,
20 community supervision and corrections department officer, or
21 parole officer shall forward the information provided under
22 Subsection (a) to the local law enforcement authority designated as
23 the person's primary registration authority by the department and,
24 if the person intends to move to another municipality or county in
25 this state, to the applicable local law enforcement authority in
26 that municipality or county.

27 (c) If the person moves to another state that has a

1 registration requirement for sex offenders, the person shall, not
2 later than the 10th day after the date on which the person arrives
3 in the other state, register with the law enforcement agency that is
4 identified by the department as the agency designated by that state
5 to receive registration information.

6 (d) Not later than the third day after receipt of
7 information under Subsection (a) or (b), whichever is earlier, the
8 local law enforcement authority shall forward this information to
9 the department and, if the person intends to move to another
10 municipality or county in this state, to the applicable local law
11 enforcement authority in that municipality or county.

12 (e) If a person who reports to a local law enforcement
13 authority under Subsection (a) does not move on or before the
14 anticipated move date or does not move to the new address provided
15 to the authority, the person shall:

16 (1) not later than the seventh day after the
17 anticipated move date, and not less than weekly after that seventh
18 day, report to the local law enforcement authority designated as
19 the person's primary registration authority by the department and
20 provide an explanation to the authority regarding any changes in
21 the anticipated move date and intended residence; and

22 (2) report to the juvenile probation officer,
23 community supervision and corrections department officer, or
24 parole officer supervising the person not less than weekly during
25 any period in which the person has not moved to an intended
26 residence.

27 (f) If the person moves to another municipality or county in

1 this state, the department shall inform the applicable local law
2 enforcement authority in the new area of the person's residence not
3 later than the third day after the date on which the department
4 receives information under Subsection (a). Not later than the
5 eighth day after the date on which the local law enforcement
6 authority is informed under Subsection (a) or under this
7 subsection, the authority shall verify the age of the victim, the
8 basis on which the person is subject to registration under this
9 chapter, and the person's numeric risk level. ~~[The authority shall
10 immediately publish notice in English and Spanish in the newspaper
11 of greatest paid circulation in the county in which the person
12 subject to registration intends to reside or, if there is no
13 newspaper of paid circulation in that county, in the newspaper of
14 greatest general circulation in the county, except as provided by
15 Article 62.031. If the authority publishes notice under this
16 subsection, the authority shall publish a duplicate notice in the
17 newspaper, with any necessary corrections, during the week
18 immediately following the week of initial publication.]~~ The local
19 law enforcement authority shall ~~[also]~~ immediately provide notice
20 to the superintendent of the public school district and to the
21 administrator of any private primary or secondary school located in
22 the public school district in which the person subject to
23 registration intends to reside by mail to the office of the
24 superintendent or administrator, as appropriate, in accordance
25 with Article 62.054 ~~[62.032]~~. On receipt of a notice under this
26 subsection, the superintendent shall release the information
27 contained in the notice to appropriate school district personnel,

1 including peace officers and security personnel, principals,
2 nurses, and counselors.

3 (g) ~~[The local law enforcement authority shall include in~~
4 ~~the notice by publication in a newspaper the following information~~
5 ~~only:~~

6 ~~[(1) the person's full name, age, and gender;~~

7 ~~[(2) a brief description of the offense for which the~~
8 ~~person is subject to registration;~~

9 ~~[(3) the municipality, numeric street address or~~
10 ~~physical address, if a numeric street address is not available, and~~
11 ~~zip code number where the person intends to reside;~~

12 ~~[(4) either a recent photograph of the person or the~~
13 ~~Internet address of a website on which the person's photograph is~~
14 ~~accessible free of charge; and~~

15 ~~[(5) the person's numeric risk level assigned under~~
16 ~~this chapter and the guidelines used to determine a person's risk~~
17 ~~level generally.~~

18 ~~[(h)]~~ The local law enforcement authority shall include in
19 the notice to the superintendent of the public school district and
20 the administrator of any private primary or secondary school
21 located in the public school district any information the authority
22 determines is necessary to protect the public, except:

23 (1) the person's social security number, driver's
24 license number, or telephone number; and

25 (2) any information that would identify the victim of
26 the offense for which the person is subject to registration.

27 (h) ~~[(i)]~~ If the person moves to another state, the

1 department shall, immediately on receiving information under
2 Subsection (d):

3 (1) inform the [~~law enforcement~~] agency that is
4 designated by the other state to receive registration information,
5 if that state has a registration requirement for sex offenders; and

6 (2) send to the Federal Bureau of Investigation a copy
7 of the person's registration form, including the record of
8 conviction and a complete set of fingerprints.

9 ~~[(j) If a person who is subject to the newspaper publication
10 requirements of Subsection (f) is not under community supervision,
11 parole, or mandatory supervision, the local law enforcement
12 authority obtaining publication of notice regarding the person as
13 required by that subsection shall collect from the person an amount
14 equal to the cost incurred by the authority in obtaining the
15 publication. The cost of the publication of notice must be
16 established by written receipt.~~

17 ~~[Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT
18 COSTS OF CERTAIN NOTICE. (a) In this article, "utility service"
19 means water, wastewater, sewer, gas, garbage, electricity, or
20 drainage service.~~

21 ~~[(b) A political subdivision served by a local law
22 enforcement authority obtaining publication of notice under
23 Article 62.03 or 62.04 may bill any unpaid amount under that
24 article, identified separately, within a bill for a utility service
25 provided by the political subdivision to the person who is the
26 subject of the notice, and may suspend service of the utility to a
27 person who is delinquent in payment of the amount until the~~

1 ~~delinquent claim is fully paid to the political subdivision.~~

2 ~~[(c) The political subdivision shall remit an amount~~
3 ~~collected under this article to the local law enforcement~~
4 ~~authority.]~~

5 Art. 62.056 [~~62.045~~]. ADDITIONAL PUBLIC NOTICE FOR CERTAIN
6 OFFENDERS. (a) On receipt of notice under this chapter that a
7 person subject to registration is due to be released from a penal
8 institution, has been placed on community supervision or juvenile
9 probation, or intends to move to a new residence in this state, the
10 department shall verify the person's numeric risk level assigned
11 under this chapter. If the person is assigned a numeric risk level
12 of three, the department shall, not later than the seventh day after
13 the date on which the person is released or the 10th day after the
14 date on which the person moves, provide written notice mailed or
15 delivered to at least each [~~residential~~] address, other than a post
16 office box, within a one-mile radius, in an area that has not been
17 subdivided, or a three-block area, in an area that has been
18 subdivided, of the place where the person intends to reside. In
19 providing written notice under this subsection, the department
20 shall use employees of the department whose duties in providing the
21 notice are in addition to the employees' regular duties.

22 (b) The department shall provide the notice in English and
23 Spanish and shall include in the notice any information that is
24 public information under this chapter. The department may not
25 include any information that is not public information under this
26 chapter.

27 (c) The department shall establish procedures for a person

1 with respect to whom notice is provided under Subsection (a), other
2 than a person subject to registration on the basis of an
3 adjudication of delinquent conduct, to pay to the department all
4 costs incurred by the department in providing the notice. The
5 person shall pay those costs in accordance with the procedures
6 established under this subsection.

7 (d) On receipt of notice under this chapter that a person
8 subject to registration under this chapter is required to register
9 or verify registration with a local law enforcement authority and
10 has been assigned a numeric risk level of three, the local law
11 enforcement authority may provide notice to the public in any
12 manner determined appropriate by the local law enforcement
13 authority, including publishing notice in a newspaper or other
14 periodical or circular in circulation in the area where the person
15 intends to reside, holding a neighborhood meeting, posting notices
16 in the area where the person intends to reside, distributing
17 printed notices to area residents, or establishing a specialized
18 local website. The local law enforcement authority may include in
19 the notice only ~~any~~ information that is public information under
20 this chapter.

21 (e) An owner, builder, seller, or lessor of a single-family
22 residential real property or any improvement to residential real
23 property or that person's broker, salesperson, or other agent or
24 representative in a residential real estate transaction does not
25 have a duty to make a disclosure to a prospective buyer or lessee
26 about registrants under this chapter. To the extent of any conflict
27 between this subsection and another law imposing a duty to disclose

1 information about registered sex offenders, this subsection
2 controls.

3 ~~[Art. 62.0451. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS~~
4 ~~SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this~~
5 ~~chapter that a person subject to registration who is civilly~~
6 ~~committed as a sexually violent predator is due to be released from~~
7 ~~a penal institution or intends to move to a new residence in this~~
8 ~~state, the department shall, not later than the seventh day after~~
9 ~~the date on which the person is released or the 10th day after the~~
10 ~~date on which the person moves, provide written notice mailed or~~
11 ~~delivered to at least each residential address within a one-mile~~
12 ~~radius, in an area that has not been subdivided, or a three-block~~
13 ~~area, in an area that has been subdivided, of the place where the~~
14 ~~person intends to reside.~~

15 ~~[(b) The department shall provide the notice in English and~~
16 ~~Spanish and shall include in the notice any information that is~~
17 ~~public information under this chapter. The department may not~~
18 ~~include any information that is not public information under this~~
19 ~~chapter.~~

20 ~~[(c) The department shall establish procedures for a person~~
21 ~~with respect to whom notice is provided under this article to pay to~~
22 ~~the department all costs incurred by the department in providing~~
23 ~~the notice. The person shall pay those costs in accordance with the~~
24 ~~procedures established under this subsection.~~

25 ~~[(d) The department's duty to provide notice under this~~
26 ~~article in regard to a particular person ends on the date on which a~~
27 ~~court releases the person from all requirements of the civil~~

1 ~~commitment process.]~~

2 Art. 62.057 [~~62.05~~]. STATUS REPORT BY SUPERVISING OFFICER
3 OR LOCAL LAW ENFORCEMENT AUTHORITY [~~AGENCY~~]. (a) If the juvenile
4 probation officer, community supervision and corrections
5 department officer, or parole officer supervising a person subject
6 to registration under this chapter receives information to the
7 effect that the person's status has changed in any manner that
8 affects proper supervision of the person, including a change in the
9 person's name, physical health, job or educational status,
10 including higher educational status, incarceration, or terms of
11 release, the supervising officer shall promptly notify the
12 appropriate local law enforcement authority or authorities of that
13 change. If the person required to register intends to change
14 address, the supervising officer shall notify the local law
15 enforcement authorities designated by Article 62.055(b)
16 [~~62.04(b)~~]. Not later than the seventh day after the date the
17 supervising officer receives the relevant information, the
18 supervising officer shall notify the local law enforcement
19 authority of any change in the person's job or educational status in
20 which the person:

21 (1) becomes employed, begins to carry on a vocation,
22 or becomes a student at a particular public or private institution
23 of higher education; or

24 (2) terminates the person's status in that capacity.

25 (b) Not later than the seventh day after the date of the
26 change, a person subject to registration under this chapter shall
27 report to the local law enforcement authority designated as the

1 person's primary registration authority by the department any
2 change in the person's name, physical health, or ~~[in the person's]~~
3 job or educational status, including higher educational status.

4 (c) For purposes of Subsection (b):

5 (1) ~~[this subsection,~~ a person's job status changes
6 if the person leaves employment for any reason, remains employed by
7 an employer but changes the location at which the person works, or
8 begins employment with a new employer;

9 (2) ~~[For purposes of this subsection,~~ a person's
10 health status changes if the person is hospitalized as a result of
11 an illness;

12 (3) ~~[For purposes of this subsection,~~ a change in a
13 person's educational status includes the person's transfer from one
14 educational facility to another; and

15 (4) regarding ~~[Regarding]~~ a change of name, ~~[the]~~
16 notice of the ~~[a]~~ proposed name ~~[change]~~ provided to a local law
17 enforcement authority as described by Sections 45.004 and 45.103,
18 Family Code, is sufficient ~~[for purposes of this subsection]~~,
19 except that the person shall promptly notify the authority of any
20 denial of the person's petition for a change of name.

21 (d) Not later than the seventh day after the date the local
22 law enforcement authority receives the relevant information, the
23 local law enforcement authority shall notify the department of any
24 change in the person's job or educational status in which the
25 person:

26 (1) becomes employed, begins to carry on a vocation,
27 or becomes a student at a particular public or private institution

1 of higher education; or

2 (2) terminates the person's status in that capacity.

3 Art. 62.058 [~~62.06~~]. LAW ENFORCEMENT VERIFICATION OF
4 REGISTRATION INFORMATION. (a) A person subject to registration
5 under this chapter who has for a sexually violent offense been
6 convicted two or more times, received an order of deferred
7 adjudication two or more times, or been convicted and received an
8 order of deferred adjudication shall report to the local law
9 enforcement authority designated as the person's primary
10 registration authority by the department not less than once in each
11 90-day period following the date the person first registered under
12 this chapter to verify the information in the registration form
13 maintained by the authority for that person. A person subject to
14 registration under this chapter who is not subject to the 90-day
15 reporting requirement described by this subsection shall report to
16 the local law enforcement authority designated as the person's
17 primary registration authority by the department once each year not
18 earlier than the 30th day before and not later than the 30th day
19 after the anniversary of the person's date of birth to verify the
20 information in the registration form maintained by the authority
21 for that person. For purposes of this subsection, a person complies
22 with a requirement that the person register within a 90-day period
23 following a date if the person registers at any time on or after the
24 83rd day following that date but before the 98th day after that
25 date.

26 (b) A local law enforcement authority designated as a
27 person's primary registration authority by the department may

1 direct the person to report to the authority to verify the
2 information in the registration form maintained by the authority
3 for that person. The authority may direct the person to report
4 under this subsection once in each 90-day period following the date
5 the person first registered under this chapter, if the person is
6 required to report not less than once in each 90-day period under
7 Subsection (a) or once in each year not earlier than the 30th day
8 before and not later than the 30th day after the anniversary of the
9 person's date of birth, if the person is required to report once
10 each year under Subsection (a). A local law enforcement authority
11 may not direct a person to report to the authority under this
12 subsection if the person is required to report under Subsection (a)
13 and is in compliance with the reporting requirements of that
14 subsection.

15 (c) A local law enforcement authority with whom a person
16 reports under this article shall require the person to produce
17 proof of the person's identity and residence before the authority
18 gives the registration form to the person for verification. If the
19 information in the registration form is complete and accurate, the
20 person shall verify registration by signing the form. If the
21 information is not complete or not accurate, the person shall make
22 any necessary additions or corrections before signing the form.

23 (d) A local law enforcement authority designated as a
24 person's primary registration authority by the department may at
25 any time mail a nonforwardable verification form to the last
26 reported address of the person. Not later than the 21st day after
27 receipt of a verification form under this subsection, the person

1 shall:

2 (1) indicate on the form whether the person still
3 resides at the last reported address and, if not, provide on the
4 form the person's new address;

5 (2) complete any other information required by the
6 form;

7 (3) sign the form; and

8 (4) return the form to the authority.

9 (e) For purposes of this article, a person receives multiple
10 convictions or orders of deferred adjudication regardless of
11 whether:

12 (1) the judgments or orders are entered on different
13 dates; or

14 (2) the offenses for which the person was convicted or
15 placed on deferred adjudication arose out of different criminal
16 transactions.

17 ~~[Art. 62.061. VERIFICATION OF INDIVIDUALS SUBJECT TO~~
18 ~~COMMITMENT. (a) Notwithstanding Article 62.06, if an individual~~
19 ~~subject to registration under this chapter is civilly committed as~~
20 ~~a sexually violent predator, the person shall report to the local~~
21 ~~law enforcement authority designated as the person's primary~~
22 ~~registration authority by the department not less than once in each~~
23 ~~30-day period following the date the person first registered under~~
24 ~~this chapter to verify the information in the registration form~~
25 ~~maintained by the authority for that person. For purposes of this~~
26 ~~subsection, a person complies with a requirement that the person~~
27 ~~register within a 30-day period following a date if the person~~

1 ~~registers at any time on or after the 27th day following that date~~
2 ~~but before the 33rd day after that date.~~

3 ~~[(b) On the date that a court releases a person described by~~
4 ~~Subsection (a) from all requirements of the civil commitment~~
5 ~~process:~~

6 ~~[(1) the person's duty to verify registration as a sex~~
7 ~~offender is no longer imposed by this article; and~~

8 ~~[(2) the person is required to verify registration as~~
9 ~~provided by Article 62.06.]~~

10 Art. 62.059 [~~62.062~~]. REGISTRATION OF PERSONS REGULARLY
11 VISITING LOCATION. (a) A person subject to this chapter who [~~on at~~
12 ~~least three occasions~~] during any month spends two or more [~~than 48~~
13 consecutive nights [~~hours~~] in a municipality or county in this
14 state, other than the municipality or county in which the person is
15 registered under this chapter, before the last day of that month
16 shall report that fact to:

17 (1) the local law enforcement authority of the
18 municipality in which the person is a visitor; or

19 (2) if the person is a visitor in a location that is
20 not a municipality, the local law enforcement authority of the
21 county in which the person is a visitor.

22 (b) A person described by Subsection (a) shall provide the
23 local law enforcement authority with:

24 (1) all information the person is required to provide
25 under Article 62.051(c) [~~62.02(b)~~];

26 (2) the address of any location in the municipality or
27 county, as appropriate, at which the person was lodged during the

1 month; and

2 (3) a statement as to whether the person intends to
3 return to the municipality or county during the succeeding month.

4 (c) This article does not impose on a local law enforcement
5 authority requirements of public notification or notification to
6 schools relating to a person about whom the authority is not
7 otherwise required by this chapter to make notifications.

8 [~~Art. 62.063. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.~~

9 ~~(a) A person is subject to this article and, except as otherwise~~
10 ~~provided by this article, to the other articles of this chapter if~~
11 ~~the person:~~

12 ~~[(1) has a reportable conviction or adjudication,~~

13 ~~[(2) resides in another state, and~~

14 ~~[(3) is employed, carries on a vocation, or is a~~
15 ~~student in this state.~~

16 ~~[(b) A person described by Subsection (a) is subject to the~~
17 ~~registration and verification requirements of Articles 62.02 and~~
18 ~~62.06 and to the change of address requirements of Article 62.04,~~
19 ~~except that the registration and verification and the reporting of~~
20 ~~a change of address are based on the municipality or county in which~~
21 ~~the person works or attends school. The person is subject to the~~
22 ~~school notification requirements of Articles 62.03 and 62.04,~~
23 ~~except that notice provided to the superintendent and any~~
24 ~~administrator is based on the public school district in which the~~
25 ~~person works or attends school.~~

26 ~~[(c) A person described by Subsection (a) is not subject to~~
27 ~~Article 62.12 and the newspaper publication requirements of~~

1 ~~Articles 62.03 and 62.04.~~

2 ~~[(d) The duty to register for a person described by~~
3 ~~Subsection (a) ends when the person no longer works or studies in~~
4 ~~this state, provides notice of that fact to the local law~~
5 ~~enforcement authority in the municipality or county in which the~~
6 ~~person works or attends school, and receives notice of verification~~
7 ~~of that fact from the authority. The authority must verify that the~~
8 ~~person no longer works or studies in this state and must provide to~~
9 ~~the person notice of that verification within a reasonable time.~~

10 ~~[(e) Notwithstanding Subsection (a), this article does not~~
11 ~~apply to a person who has a reportable conviction or adjudication,~~
12 ~~who resides in another state, and who is employed, carries on a~~
13 ~~vocation, or is a student in this state if the person establishes~~
14 ~~another residence in this state to work or attend school in this~~
15 ~~state. However, that person remains subject to the other articles~~
16 ~~of this chapter based on that person's residence in this state.~~

17 ~~[Art. 62.064. REGISTRATION OF WORKERS OR STUDENTS AT~~
18 ~~INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the seventh~~
19 ~~day after the date on which the person begins to work or attend~~
20 ~~school, a person required to register under Article 62.061, as~~
21 ~~added by Chapters 1193 and 1415, Acts of the 76th Legislature,~~
22 ~~Regular Session, 1999, or any other provision of this chapter who is~~
23 ~~employed, carries on a vocation, or is a student at a public or~~
24 ~~private institution of higher education in this state shall report~~
25 ~~that fact to:~~

26 ~~[(1) the authority for campus security for that~~
27 ~~institution; or~~

1 ~~[(2) if an authority for campus security for that~~
2 ~~institution does not exist, the local law enforcement authority of:~~

3 ~~[(A) the municipality in which the institution is~~
4 ~~located, or~~

5 ~~[(B) the county in which the institution is~~
6 ~~located, if the institution is not located in a municipality.~~

7 ~~[(b) A person described by Subsection (a) shall provide the~~
8 ~~authority for campus security or the local law enforcement~~
9 ~~authority with all information the person is required to provide~~
10 ~~under Article 62.02(b).~~

11 ~~[(c) A person described by Subsection (a) shall notify the~~
12 ~~authority for campus security or the local law enforcement~~
13 ~~authority not later than the seventh day after the date of~~
14 ~~termination of the person's status as a worker or student at the~~
15 ~~institution.~~

16 ~~[(d) The authority for campus security or the local law~~
17 ~~enforcement authority shall promptly forward to the administrative~~
18 ~~office of the institution any information received from the person~~
19 ~~under this article and any information received from the department~~
20 ~~under Article 62.08.~~

21 ~~[(e) Subsection (a)(2) does not require a person to register~~
22 ~~at a local law enforcement authority if the person is otherwise~~
23 ~~required by this chapter to register at that authority.~~

24 ~~[(f) This article does not impose the requirements of public~~
25 ~~notification or notification to public or private primary or~~
26 ~~secondary schools on:~~

27 ~~[(1) an authority for campus security, or~~

1 ~~[(2) a local law enforcement authority, if those~~
2 ~~requirements relate to a person about whom the authority is not~~
3 ~~otherwise required by this chapter to make notifications.~~

4 ~~[(g) Notwithstanding Article 62.062, the requirements of~~
5 ~~this article supersede those of Article 62.062 for a person~~
6 ~~required to register under both this article and Article 62.062.]~~

7 Art. 62.060 [~~62.065~~]. REQUIREMENTS RELATING TO DRIVER'S
8 LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) A person
9 subject to registration under this chapter shall apply to the
10 department in person for the issuance of, as applicable, an
11 original or renewal driver's license under Section 521.272,
12 Transportation Code, an original or renewal personal
13 identification certificate under Section 521.103, Transportation
14 Code, or an original or renewal commercial driver's license or
15 commercial driver learner's permit under Section 522.033,
16 Transportation Code, not later than the 30th day after the date:

17 (1) the person is released from a penal institution or
18 is released by a court on community supervision or juvenile
19 probation [~~or community supervision~~]; or

20 (2) the department sends written notice to the person
21 of the requirements of this article.

22 (b) The person shall annually renew in person each driver's
23 license or personal identification certificate issued by the
24 department to the person, including each renewal, duplicate, or
25 corrected license or certificate, until the person's duty to
26 register under this chapter expires.

27 Art. 62.061. NOTIFICATION OF CERTAIN PREMISES OWNERS,

1 MANAGERS, OR ADMINISTRATORS. (a) For purposes of this article,
2 "playground," "premises," "school," "video arcade facility," and
3 "youth center" have the meanings assigned by Section 481.134,
4 Health and Safety Code.

5 (b) This article applies to a person required to register
6 under this chapter only if the victim of the offense or conduct on
7 which the registration requirement is based was, at the time of the
8 offense or conduct, a child younger than 17 years of age.

9 (c) Before or immediately after entering a playground, a
10 school, a video arcade facility, a youth center, a public or private
11 institution of higher education, or any premises owned or operated
12 by a playground, school, video arcade facility, youth center, or
13 public or private institution of higher education, a person
14 required to register under this chapter shall inform the owner,
15 manager, or administrator of the facility, orally or in writing,
16 of:

17 (1) the person's name;

18 (2) the person's registration status under this
19 chapter;

20 (3) the person's presence at the facility; and

21 (4) the estimated period the person intends to remain
22 in, on, or at the facility.

23 (d) If a person required to register under this chapter
24 intends to enter a facility described by Subsection (c) more than
25 once, the person may use one or more written notifications to inform
26 the owner, manager, or administrator of the facility of the
27 person's intent to enter the facility repeatedly. A written

1 notification under this subsection must contain:

2 (1) the person's name;

3 (2) the person's registration status under this
4 chapter;

5 (3) a statement of the person's intended presence at
6 the facility; and

7 (4) the dates and estimated periods the person intends
8 to remain in, on, or at the facility.

9 (e) An owner, manager, or administrator of a facility
10 described by Subsection (c):

11 (1) may provide a chaperon to accompany the person
12 while the person is in, on, or at the facility;

13 (2) shall maintain a confidential record of all
14 information received under Subsection (c) or (d); and

15 (3) except as provided by Article 62.009(d), may not
16 disclose any information received under Subsection (c) or (d) to
17 any person except a peace officer performing a duty of the peace
18 officer.

19 (f) The requirements of this article are in addition to any
20 requirements associated with the imposition of a child safety zone
21 on the person under Section 508.187, Government Code, or Section
22 13B, Article 42.12.

23 Art. 62.062. DNA SPECIMEN. A person required to register
24 under this chapter shall comply with a request for a DNA specimen
25 made by a law enforcement agency under Section 411.1473, Government
26 Code.

27 SUBCHAPTER C. EXPIRATION OF DUTY TO REGISTER; GENERAL

PENALTIES FOR NONCOMPLIANCE

Art. 62.101. EXPIRATION OF DUTY TO REGISTER. (a) Except as provided by Subsection (b), the duty to register for a person ends when the person dies if the person has a reportable conviction or adjudication, other than an adjudication of delinquent conduct, for:

(1) a sexually violent offense;

(2) an offense under Section 25.02, 43.05(a)(2), or 43.26, Penal Code;

(3) an offense under Section 21.11(a)(2), Penal Code, if before or after the person is convicted or adjudicated for the offense under Section 21.11(a)(2), Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter; or

(4) an offense under Section 20.02, 20.03, or 20.04, Penal Code, if:

(A) the judgment in the case contains an affirmative finding under Article 42.015 or, for a deferred adjudication, the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age; and

(B) before or after the person is convicted or adjudicated for the offense under Section 20.02, 20.03, or 20.04, Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires

1 registration under this chapter.

2 (b) The duty to register for a person otherwise subject to
3 Subsection (a) ends on the 10th anniversary of the date on which the
4 person is released from a penal institution or discharges community
5 supervision or the court dismisses the criminal proceedings against
6 the person and discharges the person, whichever date is later, if
7 the person's duty to register is based on a conviction or an order
8 of deferred adjudication in a cause that was transferred to a
9 district court or criminal district court under Section 54.02,
10 Family Code.

11 (c) The duty to register for a person with a reportable
12 conviction or adjudication for an offense other than an offense
13 described by Subsection (a) ends:

14 (1) if the person's duty to register is based on an
15 adjudication of delinquent conduct, on the 10th anniversary of the
16 date on which the disposition is made or the person completes the
17 terms of the disposition, whichever date is later; or

18 (2) if the person's duty to register is based on a
19 conviction or on an order of deferred adjudication, on the 10th
20 anniversary of the date on which the court dismisses the criminal
21 proceedings against the person and discharges the person, the
22 person is released from county jail, or the person discharges
23 community supervision, whichever date is later.

24 ~~[Art. 62.07. REMEDIES RELATED TO PUBLIC NOTICE. A person~~
25 ~~subject to registration under this chapter may petition the~~
26 ~~district court for injunctive relief to restrain a local law~~
27 ~~enforcement authority from publishing notice in a newspaper as~~

1 ~~required by Article 62.03 or 62.04. The court may issue a temporary~~
2 ~~restraining order under this article before notice is served and a~~
3 ~~hearing is held on the matter. After a hearing on the matter, the~~
4 ~~court may grant any injunctive relief warranted by the facts,~~
5 ~~including a restraining order or a temporary or permanent~~
6 ~~injunction, if the person subject to registration under this~~
7 ~~chapter proves by a preponderance of the evidence specific facts~~
8 ~~indicating that newspaper publication under Article 62.03 or 62.04~~
9 ~~would place the person's health and well-being in immediate danger.~~

10 ~~[Art. 62.08. CENTRAL DATABASE; PUBLIC INFORMATION. (a) The~~
11 ~~department shall maintain a computerized central database~~
12 ~~containing only the information required for registration under~~
13 ~~this chapter.~~

14 ~~[(b) The information contained in the database is public~~
15 ~~information, with the exception of any information:~~

16 ~~[(1) regarding the person's social security number,~~
17 ~~driver's license number, or telephone number,~~

18 ~~[(2) that is required by the department under Article~~
19 ~~62.02(b)(7), or~~

20 ~~[(3) that would identify the victim of the offense for~~
21 ~~which the person is subject to registration.~~

22 ~~[(c) Notwithstanding Chapter 730, Transportation Code, the~~
23 ~~department shall maintain in the database, and shall post on any~~
24 ~~department website related to the database, any photograph of the~~
25 ~~person that is available through the process for obtaining or~~
26 ~~renewing a personal identification certificate or driver's license~~
27 ~~under Section 521.103 or 521.272, Transportation Code. The~~

1 ~~department shall update the photograph in the database and on the~~
2 ~~website annually or as the photograph otherwise becomes available~~
3 ~~through the renewal process for the certificate or license.~~

4 ~~[(d) A local law enforcement authority shall release public~~
5 ~~information described under Subsection (b) to any person who~~
6 ~~submits to the authority a written request for the information. The~~
7 ~~authority may charge the person a fee not to exceed the amount~~
8 ~~reasonably necessary to cover the administrative costs associated~~
9 ~~with the authority's release of information to the person under~~
10 ~~this subsection.~~

11 ~~[(e) The department shall provide a licensing authority~~
12 ~~with notice of any person required to register under this chapter~~
13 ~~who holds or seeks a license that is issued by the authority. The~~
14 ~~department shall provide the notice required by this subsection as~~
15 ~~the applicable licensing information becomes available through the~~
16 ~~person's registration or verification of registration.~~

17 ~~[(f) On the written request of a licensing authority that~~
18 ~~identifies an individual and states that the individual is an~~
19 ~~applicant for or a holder of a license issued by the authority, the~~
20 ~~department shall release any information described by Subsection~~
21 ~~(a) to the licensing authority.~~

22 ~~[(g) For the purposes of Subsections (e) and (f):~~

23 ~~[(1) "License" means a license, certificate,~~
24 ~~registration, permit, or other authorization that:~~

25 ~~[(A) is issued by a licensing authority, and~~

26 ~~[(B) a person must obtain to practice or engage~~
27 ~~in a particular business, occupation, or profession.~~

1 ~~[(2) "Licensing authority" means a department,~~
2 ~~commission, board, office, or other agency of the state or a~~
3 ~~political subdivision of the state that issues a license.~~

4 ~~[(h) Not later than the third day after the date on which the~~
5 ~~applicable information becomes available through the person's~~
6 ~~registration or verification of registration or under Article~~
7 ~~62.05, the department shall send notice of any person required to~~
8 ~~register under this chapter who is or will be employed, carrying on~~
9 ~~a vocation, or a student at a public or private institution of~~
10 ~~higher education in this state to:~~

11 ~~[(1) for an institution in this state:~~

12 ~~[(A) the authority for campus security for that~~
13 ~~institution; or~~

14 ~~[(B) if an authority for campus security for that~~
15 ~~institution does not exist, the local law enforcement authority of:~~

16 ~~[(i) the municipality in which the~~
17 ~~institution is located; or~~

18 ~~[(ii) the county in which the institution~~
19 ~~is located, if the institution is not located in a municipality; or~~

20 ~~[(2) for an institution in another state, any existing~~
21 ~~authority for campus security at that institution.~~

22 ~~[(i) On the written request of an institution of higher~~
23 ~~education described by Subsection (h) that identifies an individual~~
24 ~~and states that the individual has applied to work or study at the~~
25 ~~institution, the department shall release any information~~
26 ~~described by Subsection (a) to the institution.~~

27 ~~[Art. 62.085. INFORMATION PROVIDED TO PEACE OFFICER. The~~

1 ~~department shall establish a procedure by which a peace officer or~~
2 ~~employee of a law enforcement agency who provides the department~~
3 ~~with a driver's license, personal identification certificate, or~~
4 ~~license plate number is automatically provided information as to~~
5 ~~whether the person to whom the driver's license or personal~~
6 ~~identification certificate is issued is required to register under~~
7 ~~this chapter or whether the license plate number is entered in the~~
8 ~~computerized central database under Article 62.08 as assigned to a~~
9 ~~vehicle owned or driven by a person required to register under this~~
10 ~~chapter.~~

11 ~~[Art. 62.09. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.~~

12 ~~(a) The department, a penal institution, a local law enforcement~~
13 ~~authority, or an authority for campus security may release to the~~
14 ~~public information regarding a person required to register only if~~
15 ~~the information is public information under this chapter.~~

16 ~~[(b) An individual, agency, entity, or authority is not~~
17 ~~liable under Chapter 101, Civil Practice and Remedies Code, or any~~
18 ~~other law for damages arising from conduct authorized by Subsection~~
19 ~~(a).~~

20 ~~[(c) For purposes of determining liability, the release or~~
21 ~~withholding of information by an appointed or elected officer of an~~
22 ~~agency, entity, or authority is a discretionary act.~~

23 ~~[(d) A private primary or secondary school, public or~~
24 ~~private institution of higher education, or administrator of a~~
25 ~~private primary or secondary school or public or private~~
26 ~~institution of higher education may release to the public~~
27 ~~information regarding a person required to register only if the~~

1 ~~information is public information under this chapter and is~~
2 ~~released to the administrator under Article 62.03, 62.04, 62.064,~~
3 ~~or 62.08. A private primary or secondary school, public or private~~
4 ~~institution of higher education, or administrator of a private~~
5 ~~primary or secondary school or public or private institution of~~
6 ~~higher education is not liable under any law for damages arising~~
7 ~~from conduct authorized by this subsection.~~

8 ~~[Art. 62.091. GENERAL IMMUNITY. The following persons are~~
9 ~~immune from liability for good faith conduct under this chapter.~~

10 ~~[(1) an employee or officer of the Texas Department of~~
11 ~~Criminal Justice, the Texas Youth Commission, the Texas Juvenile~~
12 ~~Probation Commission, or the Department of Public Safety,~~

13 ~~[(2) an employee or officer of a community supervision~~
14 ~~and corrections department or a juvenile probation department; and~~

15 ~~[(3) a member of the judiciary.]~~

16 Art. 62.102 [~~62.10~~]. FAILURE TO COMPLY WITH REGISTRATION
17 REQUIREMENTS. (a) A person commits an offense if the person is
18 required to register and fails to comply with any requirement of
19 this chapter.

20 (b) An offense under this article is:

21 (1) a state jail felony if the actor is a person whose
22 duty to register expires under Article 62.101(b) or (c) [~~62.12(b)~~];

23 (2) a felony of the third degree if the actor is a
24 person whose duty to register expires under Article 62.101(a)
25 [~~62.12(a)~~] and who is required to verify registration once each
26 year under Article 62.058 [~~62.06~~]; and

27 (3) a felony of the second degree if the actor is a

1 person whose duty to register expires under Article 62.101(a)
2 [~~62.12(a)~~] and who is required to verify registration once each
3 90-day period under Article 62.058 [~~62.06~~].

4 (c) If it is shown at the trial of a person for an offense
5 under this article that the person has previously been convicted of
6 an offense under this article, the punishment for the offense is
7 increased to the punishment for the next highest degree of felony.

8 SUBCHAPTER D. PROVISIONS APPLICABLE TO CERTAIN

9 WORKERS AND STUDENTS

10 Art. 62.151. DEFINITIONS. For purposes of this subchapter,
11 a person:

12 (1) is employed or carries on a vocation if the person
13 works or volunteers on a full-time or part-time basis for a
14 consecutive period exceeding 14 days or for an aggregate period
15 exceeding 30 days in a calendar year;

16 (2) works regardless of whether the person works for
17 compensation or for governmental or educational benefit; and

18 (3) is a student if the person enrolls on a full-time
19 or part-time basis in any educational facility, including:

20 (A) a public or private primary or secondary
21 school, including a high school or alternative learning center; or

22 (B) a public or private institution of higher
23 education.

24 Art. 62.152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.

25 (a) A person is subject to this subchapter and, except as otherwise
26 provided by this article, to the other subchapters of this chapter
27 if the person:

1 (1) has a reportable conviction or adjudication;
2 (2) resides in another state; and
3 (3) is employed, carries on a vocation, or is a student
4 in this state.

5 (b) A person described by Subsection (a) is subject to the
6 registration and verification requirements of Articles 62.051 and
7 62.058 and to the change of address requirements of Article 62.055,
8 except that the registration and verification and the reporting of
9 a change of address are based on the municipality or county in which
10 the person works or attends school. The person is subject to the
11 school notification requirements of Articles 62.053-62.055, except
12 that notice provided to the superintendent and any administrator is
13 based on the public school district in which the person works or
14 attends school.

15 (c) A person described by Subsection (a) is not subject to
16 Article 62.101.

17 (d) The duty to register for a person described by
18 Subsection (a) ends when the person no longer works or studies in
19 this state, provides notice of that fact to the local law
20 enforcement authority in the municipality or county in which the
21 person works or attends school, and receives notice of verification
22 of that fact from the authority. The authority must verify that the
23 person no longer works or studies in this state and must provide to
24 the person notice of that verification within a reasonable time.

25 (e) Notwithstanding Subsection (a), this article does not
26 apply to a person who has a reportable conviction or adjudication,
27 who resides in another state, and who is employed, carries on a

1 vocation, or is a student in this state if the person establishes
2 another residence in this state to work or attend school in this
3 state. However, that person remains subject to the other articles
4 of this chapter based on that person's residence in this state.

5 Art. 62.153. REGISTRATION OF WORKERS OR STUDENTS AT
6 INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the seventh
7 day after the date on which the person begins to work or attend
8 school, a person required to register under Article 62.152 or any
9 other provision of this chapter who is employed, carries on a
10 vocation, or is a student at a public or private institution of
11 higher education in this state shall report that fact to:

12 (1) the authority for campus security for that
13 institution; or

14 (2) if an authority for campus security for that
15 institution does not exist, the local law enforcement authority of:

16 (A) the municipality in which the institution is
17 located; or

18 (B) the county in which the institution is
19 located, if the institution is not located in a municipality.

20 (b) A person described by Subsection (a) shall provide the
21 authority for campus security or the local law enforcement
22 authority with all information the person is required to provide
23 under Article 62.051(c).

24 (c) A person described by Subsection (a) shall notify the
25 authority for campus security or the local law enforcement
26 authority not later than the seventh day after the date of
27 termination of the person's status as a worker or student at the

1 institution.

2 (d) The authority for campus security or the local law
3 enforcement authority shall promptly forward to the administrative
4 office of the institution any information received from the person
5 under this article and any information received from the department
6 under Article 62.005.

7 (e) Subsection (a)(2) does not require a person to register
8 with a local law enforcement authority if the person is otherwise
9 required by this chapter to register with that authority.

10 (f) This article does not impose the requirements of public
11 notification or notification to public or private primary or
12 secondary schools on:

13 (1) an authority for campus security; or

14 (2) a local law enforcement authority, if those
15 requirements relate to a person about whom the authority is not
16 otherwise required by this chapter to make notifications.

17 (g) Notwithstanding Article 62.059, the requirements of
18 this article supersede those of Article 62.059 for a person
19 required to register under both this article and Article 62.059.

20 SUBCHAPTER E. PROVISIONS APPLICABLE TO PERSONS

21 SUBJECT TO CIVIL COMMITMENT

22 Art. 62.201. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS
23 SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this
24 chapter that a person subject to registration who is civilly
25 committed as a sexually violent predator is due to be released from
26 a penal institution or intends to move to a new residence in this
27 state, the department shall, not later than the seventh day after

1 the date on which the person is released or the 10th day after the
2 date on which the person moves, provide written notice mailed or
3 delivered to at least each address, other than a post office box,
4 within a one-mile radius, in an area that has not been subdivided,
5 or a three-block area, in an area that has been subdivided, of the
6 place where the person intends to reside.

7 (b) The department shall provide the notice in English and
8 Spanish and shall include in the notice any information that is
9 public information under this chapter. The department may not
10 include any information that is not public information under this
11 chapter.

12 (c) The department shall establish procedures for a person
13 with respect to whom notice is provided under this article to pay to
14 the department all costs incurred by the department in providing
15 the notice. The person shall pay those costs in accordance with the
16 procedures established under this subsection.

17 (d) The department's duty to provide notice under this
18 article in regard to a particular person ends on the date on which a
19 court releases the person from all requirements of the civil
20 commitment process.

21 Art. 62.202. VERIFICATION OF INDIVIDUALS SUBJECT TO
22 COMMITMENT. (a) Notwithstanding Article 62.058, if an individual
23 subject to registration under this chapter is civilly committed as
24 a sexually violent predator, the person shall report to the local
25 law enforcement authority designated as the person's primary
26 registration authority by the department not less than once in each
27 30-day period following the date the person first registered under

1 this chapter to verify the information in the registration form
2 maintained by the authority for that person. For purposes of this
3 subsection, a person complies with a requirement that the person
4 register within a 30-day period following a date if the person
5 registers at any time on or after the 27th day following that date
6 but before the 33rd day after that date.

7 (b) On the date a court releases a person described by
8 Subsection (a) from all requirements of the civil commitment
9 process:

10 (1) the person's duty to verify registration as a sex
11 offender is no longer imposed by this article; and

12 (2) the person is required to verify registration as
13 provided by Article 62.058.

14 Art. 62.203 [~~62.101~~]. FAILURE TO COMPLY: INDIVIDUALS
15 SUBJECT TO COMMITMENT. (a) A person commits an offense if the
16 person, after commitment as a sexually violent predator but before
17 the person is released from all requirements of the civil
18 commitment process, fails to comply with any requirement of this
19 chapter.

20 (b) An offense under this article [~~section~~] is a felony of
21 the second degree.

22 SUBCHAPTER F. REMOVAL OF REGISTRATION INFORMATION

23 [~~Art. 62.11. APPLICABILITY. (a) This chapter applies only~~
24 ~~to a reportable conviction or adjudication occurring on or after~~
25 ~~September 1, 1970, except that the provisions of Articles 62.03 and~~
26 ~~62.04 of this chapter relating to the requirement of newspaper~~
27 ~~publication apply only to a reportable conviction or adjudication~~

1 ~~occurring on or after:~~

2 ~~[(1) September 1, 1997, if the conviction or~~
3 ~~adjudication relates to an offense under Section 43.05, Penal Code,~~
4 ~~or~~

5 ~~[(2) September 1, 1995, if the conviction or~~
6 ~~adjudication relates to any other offense listed in Article~~
7 ~~62.01(5).~~

8 ~~[(b) Except as provided by Subsection (c), the duties~~
9 ~~imposed on a person required to register under this chapter on the~~
10 ~~basis of a reportable conviction or adjudication, and the~~
11 ~~corresponding duties and powers of other entities in relation to~~
12 ~~the person required to register on the basis of that conviction or~~
13 ~~adjudication, are not affected by:~~

14 ~~[(1) an appeal of the conviction or adjudication; or~~

15 ~~[(2) a pardon of the conviction or adjudication.~~

16 ~~[(c) If a conviction or adjudication that is the basis of a~~
17 ~~duty to register under this chapter is set aside on appeal by a~~
18 ~~court or if the person required to register under this chapter on~~
19 ~~the basis of a conviction or adjudication receives a pardon on the~~
20 ~~basis of subsequent proof of innocence, the duties imposed on the~~
21 ~~person by this chapter and the corresponding duties and powers of~~
22 ~~other entities in relation to the person are terminated.~~

23 ~~[Art. 62.12. EXPIRATION OF DUTY TO REGISTER. (a) The duty~~
24 ~~to register for a person ends when the person dies if the person has~~
25 ~~a reportable conviction or adjudication, other than an adjudication~~
26 ~~of delinquent conduct, for:~~

27 ~~[(1) a sexually violent offense;~~

1 ~~[(2) an offense under Section 25.02, 43.05(a)(2), or~~
2 ~~43.26, Penal Code,~~

3 ~~[(3) an offense under Section 21.11(a)(2), Penal Code,~~
4 ~~if before or after the person is convicted or adjudicated for the~~
5 ~~offense under Section 21.11(a)(2), Penal Code, the person receives~~
6 ~~or has received another reportable conviction or adjudication,~~
7 ~~other than an adjudication of delinquent conduct, for an offense or~~
8 ~~conduct that requires registration under this chapter; or~~

9 ~~[(4) an offense under Section 20.02, 20.03, or 20.04,~~
10 ~~Penal Code, or an attempt, conspiracy, or solicitation to commit~~
11 ~~one of those offenses, if:~~

12 ~~[(A) the judgment in the case contains an~~
13 ~~affirmative finding under Article 42.015 or, for a deferred~~
14 ~~adjudication, the papers in the case contain an affirmative finding~~
15 ~~that the victim or intended victim was younger than 17 years of age;~~
16 ~~and~~

17 ~~[(B) before or after the person is convicted or~~
18 ~~adjudicated for the offense under Section 20.02, 20.03, or 20.04,~~
19 ~~Penal Code, the person receives or has received another reportable~~
20 ~~conviction or adjudication, other than an adjudication of~~
21 ~~delinquent conduct, for an offense or conduct that requires~~
22 ~~registration under this chapter.~~

23 ~~[(b) The duty to register for a person with a reportable~~
24 ~~conviction or adjudication for an offense other than an offense~~
25 ~~described by Subsection (a) ends:~~

26 ~~[(1) if the person's duty to register is based on an~~
27 ~~adjudication of delinquent conduct, on the 10th anniversary of the~~

1 ~~date on which the disposition is made or the person completes the~~
2 ~~terms of the disposition, whichever date is later; or~~

3 ~~[(2) if the person's duty to register is based on a~~
4 ~~conviction or on an order of deferred adjudication, on the 10th~~
5 ~~anniversary of the date on which the court dismisses the criminal~~
6 ~~proceedings against the person and discharges the person, the~~
7 ~~person is released from county jail, or the person discharges~~
8 ~~community supervision, whichever date is later.~~

9 ~~[Art. 62.13. HEARING TO DETERMINE NEED FOR REGISTRATION OF~~
10 ~~A JUVENILE. (a) A person who has an adjudication of delinquent~~
11 ~~conduct that would otherwise be reportable under Article 62.01(5)~~
12 ~~does not have a reportable adjudication of delinquent conduct for~~
13 ~~purposes of this chapter if the juvenile court enters an order under~~
14 ~~this article excusing compliance by the person with the~~
15 ~~registration requirements of this chapter.~~

16 ~~[(b) During or after disposition of a case under Section~~
17 ~~54.04, Family Code, for adjudication of an offense for which~~
18 ~~registration is required under this chapter, the juvenile court on~~
19 ~~motion of the respondent shall conduct a hearing to determine~~
20 ~~whether the interests of the public require registration under this~~
21 ~~chapter. The motion may be filed and the hearing held regardless of~~
22 ~~whether the respondent is under 18 years of age.~~

23 ~~[(c) The hearing is without a jury and the burden of~~
24 ~~persuasion is on the respondent to show by a preponderance of~~
25 ~~evidence that the criteria of Subsection (c) have been met. The~~
26 ~~court at the hearing may make its determination based on:~~

27 ~~[(1) the receipt of exhibits,~~

1 ~~[(2) the testimony of witnesses;~~

2 ~~[(3) representations of counsel for the parties; or~~

3 ~~[(4) the contents of a social history report prepared~~
4 ~~by the juvenile probation department that may include the results~~
5 ~~of testing and examination of the respondent by a psychologist,~~
6 ~~psychiatrist, or counselor.~~

7 ~~[(d) All written matter considered by the court shall be~~
8 ~~disclosed to all parties as provided by Section 54.04(b), Family~~
9 ~~Code.~~

10 ~~[(e) The court shall enter an order excusing compliance with~~
11 ~~the registration requirements of this chapter if the court~~
12 ~~determines.~~

13 ~~[(1) that the protection of the public would not be~~
14 ~~increased by registration of the respondent under this chapter; or~~

15 ~~[(2) that any potential increase in protection of the~~
16 ~~public resulting from registration is clearly outweighed by the~~
17 ~~anticipated substantial harm to the respondent and the respondent's~~
18 ~~family that would result from registration under this chapter.~~

19 ~~[(f) The prosecuting attorney may waive the state's right to~~
20 ~~a hearing under this article and agree that registration under this~~
21 ~~chapter is not required. If the waiver is entered under a plea~~
22 ~~agreement, the court shall without a hearing enter an order~~
23 ~~excusing compliance with the registration requirements of this~~
24 ~~chapter or, under Section 54.03(j), Family Code, inform the~~
25 ~~respondent that the court believes a hearing under this article is~~
26 ~~required and give the respondent the opportunity to withdraw the~~
27 ~~respondent's plea of guilty, nolo contendere, or true or to affirm~~

1 ~~the respondent's plea and participate in the hearing. If the waiver~~
2 ~~is entered other than under a plea agreement, the court shall~~
3 ~~without a hearing enter an order excusing compliance with the~~
4 ~~registration requirements of this chapter. The waiver must state~~
5 ~~whether or not it is entered under a plea agreement. The respondent~~
6 ~~may as part of a plea agreement promise not to file a motion seeking~~
7 ~~an order excusing registration, in which case the court may not~~
8 ~~recognize the motion.~~

9 ~~[(g) Notwithstanding Section 56.01, Family Code, on entry~~
10 ~~by a juvenile court of an order under Subsection (e) excusing~~
11 ~~registration under this chapter, the prosecuting attorney may~~
12 ~~appeal that order by giving notice of appeal within the time~~
13 ~~required under Rule 26.2(b), Texas Rules of Appellate Procedure.~~
14 ~~The appeal is civil and the standard of review in the appellate~~
15 ~~court is whether the juvenile court committed procedural error or~~
16 ~~abused its discretion in excusing compliance with registration.~~
17 ~~The appeal is limited to review of the order excusing compliance~~
18 ~~with registration and may not include any other issues in the case.~~

19 ~~[(h) The respondent may under Section 56.01, Family Code,~~
20 ~~appeal the juvenile court's order requiring registration in the~~
21 ~~same manner as the appeal of any other legal issue in the case. The~~
22 ~~standard of review in the appellate court is whether the juvenile~~
23 ~~court committed procedural error or abused its discretion in not~~
24 ~~excusing compliance with registration.~~

25 ~~[(i) If the juvenile court enters an order excusing~~
26 ~~registration, the respondent may not be required to register in~~
27 ~~this or any other state for the offense for which registration was~~

1 ~~excused.~~

2 ~~[(j) After a hearing under Subsection (b) or under a plea~~
3 ~~agreement under Subsection (f), the juvenile court may enter an~~
4 ~~order deferring decision on requiring registration until the~~
5 ~~respondent has completed treatment for the respondent's sexual~~
6 ~~offense as a condition of probation or while committed to the Texas~~
7 ~~Youth Commission. The court retains discretion to require or to~~
8 ~~excuse registration at any time during the treatment or on its~~
9 ~~successful or unsuccessful completion. During the period of~~
10 ~~deferral, registration may not be required. Following successful~~
11 ~~completion of treatment, registration is excused unless a hearing~~
12 ~~under this article is held on motion of the state and the court~~
13 ~~determines the interests of the public require registration. Not~~
14 ~~later than the 10th day after the date of the respondent's~~
15 ~~successful completion of treatment, the treatment provider shall~~
16 ~~notify the juvenile court and prosecuting attorney of the~~
17 ~~completion.~~

18 ~~[(k) After a hearing under Subsection (b) or under a plea~~
19 ~~agreement under Subsection (f), the juvenile court may enter an~~
20 ~~order requiring the respondent to register as a sex offender but~~
21 ~~provide that the registration information is not public information~~
22 ~~and is restricted to use by law enforcement and criminal justice~~
23 ~~agencies and public or private institutions of higher education.~~
24 ~~Information obtained under this subsection may not be posted on the~~
25 ~~Internet or released to the public.~~

26 ~~[(l) A person who has registered as a sex offender for an~~
27 ~~adjudication of delinquent conduct, regardless of when the~~

1 ~~delinquent conduct or the adjudication for the conduct occurred,~~
2 ~~may file a motion in the adjudicating juvenile court for a hearing~~
3 ~~seeking excusal from registration as provided by Subsection (e) or~~
4 ~~seeking under Subsection (k) an order that the registration become~~
5 ~~nonpublic.~~

6 ~~[(m) The person may file a motion under Subsection (l) in~~
7 ~~the original juvenile case regardless of whether the person is at~~
8 ~~the time of filing 18 years of age or older. Notice of the motion~~
9 ~~shall be provided to the prosecuting attorney. A hearing on the~~
10 ~~motion shall be provided as in other cases under this article.~~

11 ~~[(n) Only one motion may be filed under Subsection (l) if a~~
12 ~~previous motion under this article has been filed concerning that~~
13 ~~case.~~

14 ~~[(o) To the extent feasible, the motion under Subsection (l)~~
15 ~~shall identify those public and private agencies and organizations,~~
16 ~~including public or private institutions of higher education, that~~
17 ~~possess sex offender registration information about the case.~~

18 ~~[(p) The juvenile court, after a hearing, may:~~

19 ~~[(1) deny the motion,~~

20 ~~[(2) grant the motion to excuse all registration, or~~

21 ~~[(3) grant the motion to change the registration from~~
22 ~~public to nonpublic.~~

23 ~~[(q) If the court grants the motion, the clerk of the court~~
24 ~~shall by certified mail, return receipt requested, send a copy of~~
25 ~~the order to the department, to each local law enforcement~~
26 ~~authority that the person has proved to the juvenile court has~~
27 ~~registration information about the person, and to each public or~~

1 ~~private agency or organization that the person has proved to the~~
2 ~~juvenile court has information about the person that is currently~~
3 ~~available to the public with or without payment of a fee. The clerk~~
4 ~~of the court shall by certified mail, return receipt requested,~~
5 ~~send a copy of the order to any other agency or organization~~
6 ~~designated by the person. The person shall identify the agency or~~
7 ~~organization and its address and pay a fee of \$20 to the court for~~
8 ~~each agency or organization the person designates.~~

9 ~~[(q) If the court grants the motion, a copy of the court's~~
10 ~~order shall be sent to:~~

11 ~~[(1) each public or private agency or organization~~
12 ~~that the court determines may be in possession of sex offender~~
13 ~~registration information pertaining to the person required to~~
14 ~~register under this chapter; and~~

15 ~~[(2) at the request of the person required to register~~
16 ~~under this chapter, each public or private agency or organization~~
17 ~~that at any time following the initial dissemination of the order~~
18 ~~under Subdivision (1) gains possession of sex offender registration~~
19 ~~information pertaining to that person, if the agency or~~
20 ~~organization did not otherwise receive a copy of the order under~~
21 ~~Subdivision (1).~~

22 ~~[(q-1) An order under Subsection (q) shall require the~~
23 ~~recipient to conform its records to the court's orders either by~~
24 ~~deleting the sex offender registration information or changing its~~
25 ~~status to nonpublic, as the order requires. A public or private~~
26 ~~institution of higher education may not be required to delete the~~
27 ~~sex offender registration information under this subsection.~~

1 ~~[(r) A private agency or organization that possesses sex~~
2 ~~offender registration information it obtained from a state, county,~~
3 ~~or local governmental entity is required to conform its records to~~
4 ~~the court's order on or before the 30th day after the date of its~~
5 ~~entry. Failure to comply in that period automatically bars an~~
6 ~~agency or organization, other than a public or private institution~~
7 ~~of higher education, from obtaining sex offender registration~~
8 ~~information from any state, county, or local governmental entity in~~
9 ~~this state in the future.~~

10 ~~[(s) A person required to register as a sex offender in this~~
11 ~~state because of an out-of-state adjudication of delinquent conduct~~
12 ~~may file in the juvenile court of the person's county of residence a~~
13 ~~petition under Subsection (a) for an order to excuse compliance~~
14 ~~with this chapter. If the person is already registered as a sex~~
15 ~~offender in this state because of an out-of-state adjudication of~~
16 ~~delinquent conduct, the person may file in the juvenile court of the~~
17 ~~person's county of residence a petition under Subsection (l) for an~~
18 ~~order removing the person from sex offender registries in this~~
19 ~~state. On receipt of a petition to excuse compliance or for~~
20 ~~removal, the juvenile court shall conduct a hearing and make~~
21 ~~rulings as in other cases under this article. An order entered under~~
22 ~~this subsection requiring removal of registration information~~
23 ~~applies only to registration information derived from registration~~
24 ~~in this state.]~~

25 Art. 62.251 [62.14]. REMOVING [JUVENILE] REGISTRATION
26 INFORMATION WHEN DUTY TO REGISTER EXPIRES. (a) When a person is no
27 longer required to register as a sex offender under this chapter

1 ~~[for an adjudication of delinquent conduct]~~, the department shall
2 remove all information about the person from the sex offender
3 registry.

4 (b) The duty to remove information under Subsection (a)
5 arises if:

6 (1) the department has received notice from a local
7 law enforcement authority under Subsection (c) or (d) that the
8 person is no longer required to register or will no longer be
9 required to renew registration and the department verifies the
10 correctness of that information;

11 (2) the ~~[juvenile]~~ court having jurisdiction over
12 ~~[that adjudicated]~~ the case for which registration is required
13 requests removal and the department determines that the duty to
14 register has expired; or

15 (3) the person or the person's representative requests
16 removal and the department determines that the duty to register has
17 expired.

18 (c) When a person required to register under this chapter
19 ~~[for an adjudication of delinquent conduct]~~ appears before a local
20 law enforcement authority to renew or modify registration
21 information, the authority shall determine whether the duty to
22 register has expired. If the authority determines that the duty to
23 register has expired, the authority shall remove all information
24 about the person from the sex offender registry and notify the
25 department that the person's duty to register has expired.

26 (d) When a person required to register under this chapter
27 ~~[for an adjudication of delinquent conduct]~~ appears before a local

1 law enforcement authority to renew registration information, the
2 authority shall determine whether the renewal is the final annual
3 renewal of registration required by law. If the authority
4 determines that the person's duty to register will expire before
5 the next annual renewal is scheduled, the authority shall
6 automatically remove all information about the person from the sex
7 offender registry on expiration of the duty to register and notify
8 the department that the information about the person has been
9 removed from the registry.

10 (e) When the department has removed information under
11 Subsection (a), the department shall notify all local law
12 enforcement authorities that have provided registration
13 information to the department about the person of the removal. A
14 local law enforcement authority that receives notice from the
15 department under this subsection shall remove all registration
16 information about the person from its registry.

17 (f) When the department has removed information under
18 Subsection (a), the department shall notify all public and private
19 agencies or organizations to which it has provided registration
20 information about the person of the removal. On receiving notice,
21 the public or private agency or organization shall remove all
22 registration information about the person from any registry the
23 agency or organization maintains that is accessible to the public
24 with or without charge.

25 SUBCHAPTER G. EXEMPTIONS FROM REGISTRATION FOR

26 JUVENILES AND CERTAIN YOUNG SEX OFFENDERS

27 Art. 62.301. PETITION FOR EXEMPTION. (a) If eligible under

1 Article 62.302, a person required to register under this chapter
2 may petition the court having jurisdiction over the case for an
3 order exempting the person from registration under this chapter.

4 (b) The petition may be filed at any time:

5 (1) during or after the disposition of the person's
6 case under Section 54.04, Family Code;

7 (2) after the person is sentenced; or

8 (3) after the person is placed on deferred
9 adjudication community supervision.

10 (c) The petition must identify and provide the mailing
11 address for any local law enforcement authority or any public or
12 private agency or organization that the petitioner believes
13 possesses sex offender registration information with respect to the
14 petitioner at the time the petition is filed.

15 Art. 62.302. ELIGIBILITY FOR EXEMPTION. (a) A person is
16 eligible to file a petition under this subchapter if:

17 (1) the person is required to register only as a result
18 of one or more adjudications of delinquent conduct; or

19 (2) the person is required to register only as a result
20 of a single reportable conviction or adjudication, other than an
21 adjudication of delinquent conduct, and the court has entered in
22 the appropriate judgment or has filed with the appropriate papers a
23 statement of an affirmative finding described by Article 42.017 or
24 Section 5(g), Article 42.12.

25 (b) A person who is required to register or who has
26 registered under this chapter for one or more adjudications of
27 delinquent conduct is eligible to file a petition under this

1 subchapter regardless of when the delinquent conduct or the
2 adjudication for the conduct occurred and regardless of the age of
3 the person at the time of filing.

4 (c) A defendant who before September 1, 2001, is convicted
5 of or placed on deferred adjudication community supervision for an
6 offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,
7 is eligible to file a petition under this subchapter. The court may
8 consider the petition if the defendant has registered under this
9 chapter and the petition states and the court finds that the
10 defendant would have been entitled to the entry of an affirmative
11 finding under Article 42.017 or Section 5(g), Article 42.12, as
12 appropriate, had the conviction or placement on deferred
13 adjudication community supervision occurred on or after September
14 1, 2001.

15 (d) A person whose petition is denied under this subchapter
16 is not eligible to file a subsequent petition under this subchapter
17 until the fifth anniversary of the date the person's last petition
18 was denied.

19 (e) A person who, as part of a plea agreement, promises not
20 to file a petition under this subchapter is not eligible to file a
21 petition under this subchapter.

22 Art. 62.303. VENUE FOR CERTAIN CONVICTIONS OR
23 ADJUDICATIONS. A person required to register as a sex offender
24 under this chapter only because of a reportable conviction or
25 adjudication described by Article 62.001(5)(I) or (J) or because of
26 Article 62.052 may file a petition under this subchapter in the
27 appropriate court of the person's county of residence.

1 Art. 62.304. HEARING ON PETITION; ORDER. (a) After the
2 filing of a petition under this subchapter, the court shall hold a
3 hearing without a jury and may issue an order exempting the
4 petitioner from registration under this chapter if it appears by a
5 preponderance of the evidence that:

6 (1) as presented by a registered sex offender
7 treatment provider, the exemption does not threaten public safety;
8 and

9 (2) for a petition filed under Article 62.302(a)(2),
10 the petitioner's conduct did not occur without the consent of the
11 victim or intended victim as described by Section 22.011(b), Penal
12 Code.

13 (b) For a petition filed under Article 62.302(a)(1), all
14 written matter considered by the court shall be disclosed to all
15 parties as provided by Section 54.04(b), Family Code.

16 Art. 62.305. WAIVER OF HEARING. (a) Notwithstanding
17 Article 62.304, the prosecuting attorney may waive the mandatory
18 hearing under this subchapter and agree that registration under
19 this chapter is not required.

20 (b) On a waiver under Subsection (a), the court shall,
21 without a hearing, enter an order exempting the petitioner from
22 registration under this chapter.

23 Art. 62.306. IMPLEMENTATION OF ORDER. (a) If the court
24 enters an order under this subchapter, the clerk of the court shall
25 by certified mail, return receipt requested, send a copy of the
26 order to:

27 (1) the department;

1 (2) each local law enforcement authority that the
2 person has proven has registration information about the person;

3 (3) each public or private agency or organization that
4 the person has proven has registration information about the person
5 that is currently available to the public with or without payment of
6 a fee; and

7 (4) any other agency or organization designated at any
8 time by the petitioner, if the agency or organization has not
9 already received a copy of the order under this subsection.

10 (b) The petitioner shall pay to the court the cost of
11 mailing the order to each agency or organization the person
12 designates under Subsection (a)(4).

13 Art. 62.307. EFFECT AND DURATION OF ORDER. (a) An order
14 issued under this subchapter does not expire, but the court issuing
15 the order shall permanently withdraw the order if, after the order
16 is issued, the petitioner receives a reportable conviction or
17 adjudication.

18 (b) If a court enters an order under this subchapter, the
19 petitioner may not be required to register for the offense or
20 conduct for which compliance with registration was excused.

21 Art. 62.308. APPEAL OF ORDER ISSUED BY JUVENILE COURT. (a)
22 Notwithstanding Section 56.01, Family Code, if a juvenile court
23 issues an order under this subchapter, the prosecuting attorney may
24 appeal the order by giving notice of appeal within the time required
25 under Rule 26.2(b), Texas Rules of Appellate Procedure. The appeal
26 is civil, and the standard of review in the appellate court is
27 whether the juvenile court committed procedural error or abused its

1 discretion in excusing compliance with registration. The appeal is
2 limited to review of the order excusing compliance with
3 registration and may not include any other issues in the case.

4 (b) The petitioner may appeal the order under Section 56.01,
5 Family Code, in the same manner as the appeal of any other legal
6 issue in the case. The standard of review in the appellate court is
7 whether the juvenile court committed procedural error or abused its
8 discretion in not excusing compliance with registration.

9 Art. 62.309. APPEAL OF ORDER ISSUED BY COURT OTHER THAN
10 JUVENILE COURT. (a) If a court other than a juvenile court issues
11 an order under this subchapter, the prosecuting attorney may appeal
12 the order in accordance with Article 44.01. The order does not take
13 effect until the mandate following the appeal is issued.

14 (b) The petitioner may appeal the order in the same manner
15 as an appeal of any other legal issue in the case.

16 SECTION 1.02. Chapter 13, Code of Criminal Procedure, is
17 amended by adding Article 13.30 to read as follows:

18 Art. 13.30. FAILURE TO COMPLY WITH SEX OFFENDER
19 REGISTRATION STATUTE. An offense under Chapter 62 may be
20 prosecuted in:

21 (1) any county in which an element of the offense
22 occurs;

23 (2) the county in which the person subject to Chapter
24 62 last registered, verified registration, or otherwise complied
25 with a requirement of Chapter 62;

26 (3) the county in which the person required to
27 register under Chapter 62 has indicated that the person intends to

1 reside; or

2 (4) any county in which the person required to
3 register under Chapter 62 is placed under custodial arrest for an
4 offense subsequent to the person's most recent reportable
5 conviction or adjudication under Chapter 62.

6 SECTION 1.03. Article 26.13(h), Code of Criminal Procedure,
7 is amended to read as follows:

8 (h) The court must substantially comply with Subsection
9 (a)(5). The failure of the court to comply with Subsection (a)(5)
10 is not a ground for the defendant to set aside the conviction,
11 sentence, or plea. [~~Before accepting a plea of guilty or nolo~~
12 contendere from a defendant described by Subsection (a)(5), the
13 court shall ascertain whether the attorney representing the
14 defendant has advised the defendant regarding registration
15 requirements under Chapter 62.]

16 SECTION 1.04. Article 44.01, Code of Criminal Procedure, is
17 amended by adding Subsection (1) to read as follows:

18 (1) The state is entitled to appeal an order entered under
19 Subchapter G, Chapter 62, that exempts a person from complying with
20 the requirements of Chapter 62.

21 SECTION 1.05. Subchapter G, Chapter 411, Government Code,
22 is amended by adding Section 411.1473 to read as follows:

23 Sec. 411.1473. DNA RECORDS OF CERTAIN REGISTERED SEX
24 OFFENDERS. (a) This section applies only to a person who is
25 required to register under Chapter 62, Code of Criminal Procedure.

26 (b) The department by rule shall require a law enforcement
27 agency serving as a person's primary registration authority under

1 Chapter 62, Code of Criminal Procedure, to:

2 (1) take one or more specimens from a person described
3 by Subsection (a) for the purpose of creating a DNA record; and

4 (2) preserve the specimen and maintain a record of the
5 collection of the specimen.

6 (c) A law enforcement agency taking a specimen under this
7 section may either send the specimen to the director or send to the
8 director an analysis of the specimen performed by a laboratory
9 chosen by the agency and approved by the director.

10 (d) A law enforcement agency is not required to take and a
11 person is not required to provide a specimen under this section if
12 the person is required to and has provided a specimen under this
13 chapter or other law.

14 SECTION 1.06. Section 508.186, Government Code, is amended
15 to read as follows:

16 Sec. 508.186. SEX OFFENDER REGISTRATION. [~~a~~] A parole
17 panel shall require as a condition of parole or mandatory
18 supervision that a releasee required to register as a sex offender
19 under Chapter 62, Code of Criminal Procedure:

20 (1) register under that chapter; and

21 (2) [~~pay to the releasee's supervising officer an~~
22 ~~amount equal to the cost, as evidenced by written receipt, incurred~~
23 ~~by the applicable local law enforcement authority for providing~~
24 ~~notice for publication to a newspaper as required by that chapter,~~
25 ~~and~~

26 [~~3~~] submit a blood sample or other specimen to the
27 Department of Public Safety under Subchapter G, Chapter 411, for

1 the purpose of creating a DNA record of the releasee, unless the
2 releasee has already submitted the required specimen under other
3 state law.

4 ~~[(a-1) A political subdivision served by the local law
5 enforcement authority may bill any unpaid amount under Subsection
6 (a)(2), identified separately, within a bill for a utility service
7 provided by the political subdivision to the releasee and may
8 suspend service of the utility to a releasee who is delinquent in
9 payment of the amount until the delinquent claim is fully paid to
10 the political subdivision. In this subsection, "utility service"
11 means water, wastewater, sewer, gas, garbage, electricity, or
12 drainage service.]~~

13 ~~[(b) The division or political subdivision, as applicable,
14 shall remit an amount collected under this section to the
15 applicable local law enforcement authority.]~~

16 ~~[(c) In a parole or mandatory supervision revocation
17 hearing under Section 508.281 at which it is alleged only that the
18 releasee failed to make a payment under this section, it is an
19 affirmative defense to revocation that the releasee is unable to
20 pay the amount as ordered by a parole panel. The releasee must
21 prove the affirmative defense by a preponderance of the evidence.]~~

22 SECTION 1.07. Section 521.103, Transportation Code, is
23 amended by amending Subsection (a) and adding Subsection (c) to
24 read as follows:

25 (a) The department may issue an original or renewal personal
26 identification certificate to a person whose driver's license or
27 personal identification certificate record indicates that the

1 person is subject to the registration requirements of Chapter 62,
2 Code of Criminal Procedure, [~~as added by Chapter 668, Acts of the~~
3 ~~75th Legislature, Regular Session, 1997,~~] only if the person:

4 (1) applies in person for the issuance of a
5 certificate under this section; and

6 (2) pays a fee of \$20.

7 (c) The department shall accept an offender identification
8 card or any other identification card issued to an inmate by the
9 Texas Department of Criminal Justice as proof of the identity of a
10 person who is applying for a personal identification certificate
11 under this section.

12 SECTION 1.08. Section 521.272, Transportation Code, is
13 amended by adding Subsection (d) to read as follows:

14 (d) The department shall accept an offender identification
15 card or any other identification card issued to an inmate by the
16 Texas Department of Criminal Justice as proof of the identity of a
17 person who is applying for a driver's license under this section.

18 SECTION 1.09. Section 522.033, Transportation Code, is
19 amended by adding Subsection (c) to read as follows:

20 (c) The department shall accept an offender identification
21 card or any other identification card issued to an inmate by the
22 Texas Department of Criminal Justice as proof of the identity of a
23 person who is applying for a commercial driver's license under this
24 section.

25 ARTICLE II. CONFORMING AMENDMENTS

26 SECTION 2.01. Article 42.016, Code of Criminal Procedure,
27 is amended to read as follows:

1 Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION
2 REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted
3 of, receives a grant of deferred adjudication for, or is
4 adjudicated as having engaged in delinquent conduct based on a
5 violation of an offense for which a conviction or adjudication
6 requires registration as a sex offender under Chapter 62, [~~as added~~
7 ~~by Chapter 668, Acts of the 75th Legislature, Regular Session,~~
8 ~~1997,~~] the court shall:

9 (1) issue an order requiring the Texas Department of
10 Public Safety to include in any driver's license record or personal
11 identification certificate record maintained by the department for
12 the person an indication that the person is subject to the
13 registration requirements of Chapter 62 [~~, as added by Chapter 668,~~
14 ~~Acts of the 75th Legislature, Regular Session, 1997]~~;

15 (2) require the person to apply to the Texas
16 Department of Public Safety in person for an original or renewal
17 driver's license or personal identification certificate not later
18 than the 30th day after the date the person is released or the date
19 the department sends written notice to the person of the
20 requirements of Article 62.060 [~~62.065~~], as applicable, and to
21 annually renew the license or certificate;

22 (3) notify the person of the consequence of the
23 conviction or order of deferred adjudication as it relates to the
24 order issued under this article; and

25 (4) send to the Texas Department of Public Safety a
26 copy of the record of conviction, a copy of the order granting
27 deferred adjudication, or a copy of the juvenile adjudication, as

1 applicable, and a copy of the order issued under this article.

2 SECTION 2.02. Section 2(b), Article 42.22, Code of Criminal
3 Procedure, is amended to read as follows:

4 (b) The state also has a restitution lien to secure the:

5 (1) amount of fines or costs entered against a
6 defendant in the judgment in a felony criminal case;

7 (2) amount of reimbursement for costs of:

8 (A) confinement ordered under Article 42.038; or

9 (B) notice provided under Article 62.056 [~~62.03~~]
10 or 62.201 [~~62.04~~]; and

11 (3) amount of damages incurred by the state as a result
12 of the commission of an offense under Section 38.04, Penal Code, in
13 which the defendant used a motor vehicle while the defendant was in
14 flight.

15 SECTION 2.03. Article 60.051(f), Code of Criminal
16 Procedure, is amended to read as follows:

17 (f) The department shall maintain in the computerized
18 criminal history system any information the department maintains in
19 the central database under Article 62.005 [~~62.08~~].

20 SECTION 2.04. Section 12.120(a), Education Code, is amended
21 to read as follows:

22 (a) A person may not serve as a member of the governing body
23 of a charter holder, as a member of the governing body of an
24 open-enrollment charter school, or as an officer or employee of an
25 open-enrollment charter school if the person:

26 (1) has been convicted of a felony or a misdemeanor
27 involving moral turpitude;

1 (2) has been convicted of an offense listed in Section
2 37.007(a);

3 (3) has been convicted of an offense listed in Article
4 62.001(5) [~~62.01(5)~~], Code of Criminal Procedure; or

5 (4) has a substantial interest in a management
6 company.

7 SECTION 2.05. Section 45.004(c), Family Code, is amended to
8 read as follows:

9 (c) In this section, "local law enforcement authority" has
10 the meaning assigned by Article 62.001 [~~62.01~~], Code of Criminal
11 Procedure.

12 SECTION 2.06. Section 45.103(c), Family Code, is amended to
13 read as follows:

14 (c) A court may order a change of name under this subchapter
15 for a person subject to the registration requirements of Chapter
16 62, Code of Criminal Procedure, if, in addition to the requirements
17 of Subsection (a), the person provides the court with proof that the
18 person has notified the appropriate local law enforcement authority
19 of the proposed name change. In this subsection, "local law
20 enforcement authority" has the meaning assigned by Article 62.001
21 [~~62.01~~], Code of Criminal Procedure.

22 SECTION 2.07. Section 54.051(h), Family Code, is amended to
23 read as follows:

24 (h) If the juvenile court places the child on probation for
25 an offense for which registration as a sex offender is required by
26 Chapter 62, Code of Criminal Procedure, and the child registers,
27 the authority of the court to excuse further compliance with the

1 registration requirement under Subchapter G, Chapter 62 [~~Articles~~
2 ~~62.13(1)-(r)~~], Code of Criminal Procedure, is transferred to the
3 court to which probation is transferred.

4 SECTION 2.08. Section 411.0091(b), Government Code, is
5 amended to read as follows:

6 (b) The sex offender compliance unit shall investigate and
7 arrest individuals determined to have committed a sexually violent
8 offense, as defined by Article 62.001 [~~62.01~~], Code of Criminal
9 Procedure.

10 SECTION 2.09. Section 411.088(b), Government Code, is
11 amended to read as follows:

12 (b) The department may not charge for processing an
13 electronic inquiry for information described as public information
14 under Article 62.005 [~~62.08~~], Code of Criminal Procedure, made
15 through the use of the Internet.

16 SECTION 2.10. Section 109.001(2), Occupations Code, is
17 amended to read as follows:

18 (2) "Local law enforcement authority" has the meaning
19 assigned by Article 62.001 [~~62.01~~], Code of Criminal Procedure.

20 SECTION 2.11. Section 38.111(a), Penal Code, is amended to
21 read as follows:

22 (a) A person commits an offense if the person, while
23 confined in a correctional facility after being charged with or
24 convicted of an offense listed in Article 62.001(5) [~~62.01(5)~~],
25 Code of Criminal Procedure, contacts by letter, telephone, or any
26 other means, either directly or through a third party, a victim of
27 the offense or a member of the victim's family, if:

1 (1) the victim was younger than 17 years of age at the
2 time of the commission of the offense for which the person is
3 confined; and

4 (2) the director of the correctional facility has not,
5 before the person makes contact with the victim:

6 (A) received written and dated consent to the
7 contact from:

8 (i) a parent of the victim;

9 (ii) a legal guardian of the victim;

10 (iii) the victim, if the victim is 17 years
11 of age or older at the time of giving the consent; or

12 (iv) a member of the victim's family who is
13 17 years of age or older; and

14 (B) provided the person with a copy of the
15 consent.

16 SECTION 2.12. Section 521.101(h), Transportation Code, is
17 amended to read as follows:

18 (h) The department shall automatically revoke each personal
19 identification certificate issued by the department to a person
20 who:

21 (1) is subject to the registration requirements of
22 Chapter 62, Code of Criminal Procedure [~~as added by Chapter 668,~~
23 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

24 (2) fails to apply to the department for renewal of the
25 personal identification certificate as required by Article 62.060
26 [~~62.065~~], Code of Criminal Procedure.

27 SECTION 2.13. Section 521.348(a), Transportation Code, is

1 amended to read as follows:

2 (a) A driver's license is automatically revoked if the
3 holder of the license:

4 (1) is subject to the registration requirements of
5 Chapter 62, Code of Criminal Procedure [~~as added by Chapter 668,~~
6 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

7 (2) fails to apply to the department for renewal of the
8 license as required by Article 62.060 [~~62.065~~], Code of Criminal
9 Procedure.

10 ARTICLE III. TRANSITIONS; EFFECTIVE DATE; REPEALERS

11 SECTION 3.01. (a) The changes in law made by this Act in
12 amending Chapter 62, Code of Criminal Procedure, apply only to an
13 offense committed on or after the effective date of this Act. For
14 purposes of this subsection, an offense is committed on or after the
15 effective date of this Act if any element of the offense occurs on
16 or after the effective date of this Act. An offense committed
17 before the effective date of this Act is governed by the law in
18 effect at the time the offense was committed, and that law is
19 continued in effect for that purpose.

20 (b) The changes in law made by this Act in amending Chapter
21 62, Code of Criminal Procedure, apply to a person subject to Chapter
22 62, Code of Criminal Procedure, for an offense or conduct committed
23 or engaged in before, on, or after the effective date of this Act.

24 SECTION 3.02. The change in law made by this Act in adding
25 Article 13.30, Code of Criminal Procedure, applies only to an
26 offense committed on or after the effective date of this Act. For
27 purposes of this section, an offense is committed on or after the

1 effective date of this Act if any element of the offense occurs on
2 or after the effective date of this Act. An offense committed
3 before the effective date of this Act is governed by the law in
4 effect at the time the offense was committed, and that law is
5 continued in effect for that purpose.

6 SECTION 3.03. The change in law made by this Act in amending
7 Article 26.13(h), Code of Criminal Procedure, applies only to a
8 plea of guilty or a plea of nolo contendere that is entered on or
9 after the effective date of this Act. A plea of guilty or a plea of
10 nolo contendere that is entered before the effective date of this
11 Act is governed by the law in effect at the time the plea was
12 entered, and that law is continued in effect for that purpose.

13 SECTION 3.04. The change in law made by this Act in
14 repealing Subsections (g) and (h), Section 19, Article 42.12, Code
15 of Criminal Procedure, and in amending Section 508.186, Government
16 Code, applies only to a person who is placed on community
17 supervision or released on parole or mandatory supervision for an
18 offense committed on or after the effective date of this Act. A
19 person who is placed on community supervision or released on parole
20 or mandatory supervision for an offense committed before the
21 effective date of this Act is governed by the law in effect on the
22 date the offense was committed, and that law is continued in effect
23 for that purpose. For purposes of this section, an offense is
24 committed on or after the effective date of this Act if any element
25 of the offense occurs on or after the effective date of this Act.

26 SECTION 3.05. The change in law made by this Act in amending
27 Article 44.01, Code of Criminal Procedure, applies only to an

1 appeal brought by the state on or after the effective date of this
2 Act.

3 SECTION 3.06. The change in law made by this Act in adding
4 Section 411.1473, Government Code, applies only to a person who,
5 for the first time, must register as a sex offender under Chapter
6 62, Code of Criminal Procedure, on or after the effective date of
7 this Act.

8 SECTION 3.07. The changes in law made by this Act in adding
9 Sections 521.103(c), 521.272(d), and 522.033(c), Transportation
10 Code, apply only to a personal identification certificate, driver's
11 license, or commercial driver's license the application for which
12 is made on or after the effective date of this Act.

13 SECTION 3.08. (a) Subsections (g) and (h), Section 19,
14 Article 42.12, Code of Criminal Procedure, are repealed.

15 (b) Section 54.051(g), Family Code, is repealed.

16 SECTION 3.09. This Act takes effect September 1, 2005.